

93<sup>RD</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 10710

IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 1974

Ordered to be printed with the amendments of the Senate numbered

## AN ACT

To promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act, with the following table of contents, may be  
4       cited as the ~~(1) "Trade Reform Act of 1973"~~. "*Trade Act of*  
5       *1974.*"

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**1 SEC. 2. STATEMENT OF PURPOSES.**

**2 (3)** The purposes of this Act are, through trade agreements  
**3** affording mutual trade benefits—

**4** (1) to stimulate the economic growth of the United  
**5** States and to maintain and enlarge foreign markets for

1 the product of United States agriculture, industry, min-  
2 ing, and commerce; and

3 ~~(2) to strengthen economic relations with foreign~~  
4 ~~countries through the development of fair and equitable~~  
5 ~~market opportunities and through open and nondiscrim-~~  
6 ~~inatory world trade.~~

7 *The purposes of this Act are—*

8 *(1) to authorize the President, for a period of five*  
9 *years, to enter into trade agreements with foreign coun-*  
10 *tries with the objectives of establishing fairness and equity*  
11 *in international trading relations, including reform of*  
12 *the rules governing international trade, the harmoniza-*  
13 *tion, reduction, or elimination of tariff and nontariff*  
14 *barriers to, and other distortions of, international trade,*  
15 *to secure for the commerce of the United States on*  
16 *the basis of reciprocity, equal competitive opportunities*  
17 *in foreign markets, and to promote the economic growth*  
18 *of, and full employment in, the United States;*

19 *(2) to authorize the President to proclaim, subject*  
20 *to certain conditions and limitations, such modifications*  
21 *or continuance of any existing duty, such continuance*  
22 *of existing duty-free or excise treatment, or such addi-*  
23 *tional duties as he determines is required or appropriate*  
24 *to carry out trade agreements;*

1           (3) to authorize the President to negotiate trade  
2       agreements with foreign countries providing for the  
3       harmonization, reduction, or elimination of nontariff  
4       barriers to and other distortions of international trade,  
5       and to establish procedures for the consideration and  
6       implementation of such agreements by the Congress;

7           (4) to require the President in the exercise of trade  
8       agreement authority to assure reciprocal trade benefits,  
9       and in particular, fair treatment and equitable market  
10      access for exports of the United States, through the full  
11      exercise of rights in such agreements, including the re-  
12      form and revision of international trade rules;

13          (5) to require the President in the exercise of trade  
14      agreement authority to strengthen international agree-  
15      ments governing fair and equitable access to supplies of  
16      food, raw materials, and manufactured and semimanu-  
17      factured products;

18          (6) to require the reporting of the balance of trade  
19      of the United States on a cost, insurance, and freight  
20      basis;

21          (7) to provide additional authority to the President  
22      temporarily to modify restrictions upon imports into the  
23      United States in response to balance-of-payments dis-  
24      equilibria;

25          (8) to provide for full participation by private

1     *advisory bodies representing the interests of major seg-*  
2     *ments of our economy affected by international trade;*

3         *(9) to provide for close and continuing congres-*  
4     *sional oversight of international trade negotiations and*  
5     *the implementation and operation of international trade*  
6     *agreements;*

7         *(10) to rename the United States Tariff Commission*  
8     *as the United States International Trade Commission*  
9     *and to strengthen the independence of the Commission;*

10        *(11) to assure greater access to and more effective*  
11     *delivery of import relief to industries which may be seri-*  
12     *ously injured or threatened with serious injury from*  
13     *increased imports;*

14        *(12) to establish a program of adjustment assistance*  
15     *for communities adversely affected by imports and to im-*  
16     *prove existing adjustment assistance programs for work-*  
17     *ers and firms;*

18        *(13) to improve the procedures for responding to*  
19     *unfair trade practices in the United States and abroad;*

20        *(14) to authorize the President to extend nondis-*  
21     *crimatory treatment, upon certain conditions, to*  
22     *countries not presently enjoying such treatment and to*  
23     *provide adequate safeguards against market disruption*  
24     *by imports into the United States from Communist*  
25     *countries; and*

1           (15) to authorize the President to extend preferen-  
 2           tial tariff treatment to the exports of less-developed coun-  
 3           tries to encourage diversification and development of ex-  
 4           ports from the developing world.

5           **TITLE I—NEGOTIATING AND**  
 6           **OTHER AUTHORITY**  
 7           **CHAPTER 1—RATES OF DUTY AND OTHER**  
 8           **TRADE BARRIERS**

9           **SEC. 101. BASIC AUTHORITY FOR TRADE AGREEMENTS.**

10          (a) Whenever the President determines that any exist-  
 11          ing duties or other import restrictions of any foreign country  
 12          or the United States are unduly burdening and restricting  
 13          the foreign trade of the United States and that the purposes  
 14          (4) ~~stated in section 2~~ of this Act will be promoted thereby,  
 15          the President—

16               (1) during the 5-year period beginning on the date  
 17          of the enactment of this Act, may enter into trade agree-  
 18          ments with foreign countries or instrumentalities thereof;  
 19          and

20               (2) may proclaim such modification or continuance  
 21          of any existing duty, such continuance of existing duty-  
 22          free or excise treatment, or such additional duties, as he  
 23          determines to be required or appropriate to carry out  
 24          any such trade agreement.



1       ~~(5)(b)(1)~~ Except as provided in paragraph ~~(2)~~, no  
 2 proclamation pursuant to subsection ~~(a)(2)~~ shall be made—

3       ~~(A)~~ in the case of a rate of duty existing on July 1,  
 4 1973, which is 25 percent ad valorem or less, decreas-  
 5 ing such rate of duty to a rate below 40 percent of the  
 6 rate existing on July 1, 1973; or

7       ~~(B)~~ in the case of a rate of duty existing on July 1,  
 8 1973, which is more than 25 percent ad valorem, de-  
 9 creasing such rate of duty to a rate below the higher of  
 10 the following:

11           ~~(i)~~ 25 percent of the rate existing on July 1,  
 12 1973, or

13           ~~(ii)~~ 10 percent ad valorem.

14       ~~(2)~~ Paragraph ~~(1)~~ shall not apply in the case of any  
 15 article for which the rate of duty existing on July 1, 1973,  
 16 is not more than 5 percent ad valorem.

17       *(b)(1) Except as provided in paragraph (2), no proc-*  
 18 *lamation pursuant to subsection (a)(2) shall be made de-*  
 19 *creasing a rate of duty to a rate below 50 percent of the rate*  
 20 *existing on January 1, 1975.*

21       *(2) Paragraph (1) shall not apply in the case of any*  
 22 *article for which the rate of duty existing on January 1,*  
 23 *1975, is not more than 10 percent ad valorem.*

24       ~~(6)(e)(1)~~ Except as otherwise provided in paragraph

1 ~~(2)~~, no proclamation shall be made pursuant to subsection  
 2 ~~(a)(2)~~ increasing any rate of duty to ~~(or imposing)~~ a rate  
 3 above the higher of the following: ~~(A)~~ the rate which is  
 4 50 percent above the rate existing on July 1, 1934, or ~~(B)~~  
 5 the rate which is 20 percent ad valorem above the rate  
 6 existing on July 1, 1973.

7 ~~(2)~~ The limitation set forth in paragraph ~~(1)~~ may be  
 8 exceeded with respect to the conversion by the United States  
 9 of a barrier to ~~(or other distortion of)~~ international trade  
 10 into a rate of duty which affords substantially equivalent  
 11 protection, to the extent that it is necessary to exceed such  
 12 limitation to effectuate such conversion.

13 *(c) No proclamation shall be made pursuant to sub-*  
 14 *section (a)(2) increasing any rate of duty to, or imposing a*  
 15 *rate above, the higher of the following:*

16 *(1) the rate which is 50 percent above the rate set*  
 17 *forth in rate column numbered 2 of the Tariff Schedules*  
 18 *of the United States as in effect on January 1, 1975, or*

19 *(2) the rate which is 20 percent ad valorem above*  
 20 *the rate existing on January 1, 1975.*

21 SEC. 102. NONTARIFF BARRIERS TO AND OTHER DISTOR-  
 22 TIONS OF TRADE.

23 (a) The Congress finds that barriers to (and other dis-  
 24 tortions of) international trade are reducing the growth of  
 25 foreign markets for the products of United States agriculture,

1 industry, mining, and commerce, diminishing the intended  
 2 mutual benefits of reciprocal trade concessions, ~~(7)~~*adversely*  
 3 *affecting the United States economy, preventing fair and*  
 4 *equitable access to supplies*, and preventing the development  
 5 of open and nondiscriminatory trade among nations. The  
 6 President is urged to take all appropriate and feasible steps  
 7 within his power (including the full exercise of the rights of  
 8 the United States under international agreements) to ~~(8)~~*re-*  
 9 ~~duce or eliminate~~ *harmonize, reduce, or eliminate such bar-*  
 10 *riers to (and other distortions of) international trade.* The  
 11 President is further urged to utilize the authority granted by  
 12 subsection (b) to negotiate trade agreements with other  
 13 countries and instrumentalities providing on a basis of mu-  
 14 tuality for the ~~(9)~~*reduction or harmonization, reduction, or*  
 15 *elimination of such barriers to (and other distortions of).*  
 16 international trade. Nothing in this subsection shall be con-  
 17 strued as prior approval of any legislation which may be  
 18 necessary to implement an agreement concerning barriers to  
 19 (or other distortions of) international trade.

20 ~~(10)(b)(1)~~ Whenever the President determines that any  
 21 ~~existing barriers to (or other distortions of) international~~  
 22 ~~trade of any foreign country or the United States are un-~~  
 23 ~~duly burdening and restricting the foreign trade of the~~  
 24 ~~United States and that the purposes stated in section 2 will~~  
 25 ~~be promoted thereby, the President, during the 5-year period~~

1 beginning on the date of the enactment of this Act, may  
2 enter into trade agreements with foreign countries or instru-  
3 mentalities providing for the reduction or elimination of  
4 such barriers or other distortions.

5 ~~(2)~~ Except as provided in subsection ~~(g)(1)~~, no trade  
6 agreement entered into under this section may provide for  
7 any modification in a rate of duty imposed by the United  
8 States.

9 ~~(c)(1)~~ A principal United States negotiating objec-  
10 tive under this section shall be to obtain with respect to  
11 each product sector of manufacturing, and with respect to  
12 the agricultural sector, competitive opportunities for United  
13 States exports to the developed countries of the world  
14 equivalent to the competitive opportunities afforded in  
15 United States markets to the importation of like or similar  
16 products, taking into account all barriers ~~(including tariffs)~~  
17 to and other distortions of international trade affecting that  
18 sector.

19 ~~(2)~~ To the maximum extent appropriate to the achieve-  
20 ment of the negotiating objective set forth in paragraph ~~(1)~~,  
21 trade agreements entered into under this section shall be  
22 negotiated, to the extent feasible, on the basis of each product  
23 sector of manufacturing and on the basis of the agricul-  
24 tural sector.

25 ~~(3)~~ For purposes of this subsection and of section 135,

1 the Special Representative for Trade Negotiations together  
2 with the Secretary of Commerce or Agriculture, as appropriate, shall, after consultation with the Advisory Committee  
3 for Trade Negotiations established by section 135 and after  
4 consultation with interested private organizations, define appropriate product sectors of manufacturing.

7 ~~(4)~~ The President shall include in his statement on each  
8 trade agreement submitted to each House of the Congress  
9 pursuant to section 162(a), a sector-by-sector analysis of  
10 the extent to which the objective set forth in paragraph (1)  
11 has been achieved.

12 ~~(d)~~ Before the President enters into any trade agree-  
13 ment under this section providing for the reduction or  
14 elimination of a barrier to (or other distortion of) inter-  
15 national trade, he shall consult with the Committee on Ways  
16 and Means of the House of Representatives and the Com-  
17 mittee on Finance of the Senate.

18 ~~(e)(1)~~ Whenever—

19 ~~(A)~~ the President enters into a trade agreement  
20 under this section providing for the reduction or elim-  
21 ination of a barrier to (or other distortion of) interna-  
22 tional trade, and

23 ~~(B)~~ the President submits such agreement (and  
24 the proclamations and orders proposed to be issued  
25 for the purpose of implementing such agreement) to the

1 Congress for its approval in accordance with subsection

2 ~~(f)~~,

3 such agreement shall enter into force with respect to the  
4 United States, and such proclamations and orders shall take  
5 effect if ~~(and only if)~~ the provisions of subsection ~~(f)~~ are  
6 complied with.

7 ~~(2)~~ The procedure set forth in subsection ~~(f)~~ may be  
8 used with respect to a trade agreement whether or not the  
9 implementation of such agreement requires further action by  
10 the Congress.

11 ~~(f)~~ Any trade agreement submitted to the Congress  
12 under this subsection shall enter into force with respect to  
13 the United States, and the proclamations and orders required  
14 or appropriate to carry out such agreement which are sub-  
15 mitted with such agreement shall take effect, if ~~(and only~~  
16 ~~if)~~—

17 ~~(1)~~ the President, not less than 90 days before  
18 the day on which he enters into such trade agreement,  
19 notifies the House of Representatives and the Senate of  
20 his intention to enter into such an agreement, and  
21 promptly thereafter publishes notice of such intention in  
22 the Federal Register;

23 ~~(2)~~ after entering into the agreement, the Presi-  
24 dent delivers a copy of such agreement to the House  
25 of Representatives and to the Senate together with—

1           ~~(A)~~ a copy of the proclamations and orders, if  
 2           any, proposed to be issued for the purpose of imple-  
 3           menting such agreement and an explanation as to  
 4           how the proclamations and orders affect existing  
 5           law, and

6           ~~(B)~~ a statement of his reasons as to how the  
 7           agreement serves the interests of United States com-  
 8           merce and as to why each such proclamation and  
 9           order is required or appropriate to carry out the  
 10          agreement; and

11          ~~(3)~~ before the close of the 90-day period after the  
 12          day on which the copy of such agreement is delivered  
 13          to the House of Representatives and to the Senate pur-  
 14          suant to paragraph ~~(2)~~, neither the House of Rep-  
 15          resentatives nor the Senate adopts, by an affirmative  
 16          vote of a majority of those present and voting in that  
 17          House, a resolution of disapproval under the procedures  
 18          set forth in section 151.

19          ~~(g)~~ If, in any trade agreement entered into under this  
 20          section, it is provided that any trade barrier (or other dis-  
 21          tortion) of the United States with respect to an article is  
 22          to be converted into a rate of duty affording substantially  
 23          equivalent tariff protection, then—

24                 ~~(1)~~ such agreement may also provide for the re-  
 25          duction of part or all of that portion of the rate of duty

1       resulting from the conversion of the trade barrier (or  
2       other distortion) of the United States which is attributa-  
3       ble to such conversion; and

4       ~~(2)~~ no agreement may be entered into under sec-  
5       tion 101 reducing to any extent the rate of duty with  
6       respect to such article unless the agreement entered  
7       into under this section is submitted to the Congress; and  
8       on or before the time of such submission there is also  
9       submitted to the Congress—

10       ~~(A)~~ a clear statement of the reductions (if any)  
11       proposed to be taken under section 101 with respect  
12       to the column 1 rates of duty for such article; and

13       ~~(B)~~ the determination by the Tariff Commission  
14       of the rates of duty which afford substantially equiva-  
15       lent protection to the barrier (or other distortion)  
16       of the United States which is being converted.

17       ~~(h)~~ For purposes of this section the term “barrier”  
18       includes the American selling price basis of customs valuation  
19       ~~(19) U.S.C. sec. 1401a(c) and 1402(g)).~~

20       ***(b)(1) Whenever the President determines that any***  
21       ***barriers to (or other distortions of) international trade of any***  
22       ***foreign country or the United States unduly burden and***  
23       ***restrict the foreign trade of the United States or adversely***  
24       ***affect the United States economy, or that the imposition of***  
25       ***such barriers is likely to result in such a burden, restriction,***



1 or effect, and that the purposes of this Act will be promoted  
2 thereby, the President, during the 5-year period beginning on  
3 the date of the enactment of this Act, may enter into trade  
4 agreements with foreign countries or instrumentalities provid-  
5 ing for the harmonization, reduction, or elimination of such  
6 barriers (or other distortions) or providing for the prohibi-  
7 tion of or limitations on the imposition of such barriers (or  
8 other distortions).

9 (2) Before the President enters into any negotiations  
10 for a trade agreement under this section providing for the  
11 harmonization, reduction, or elimination of a barrier to (or  
12 other distortion of) international trade, he shall report sepa-  
13 rately to the Congress each subject matter area of United  
14 States law and administrative practice which he intends  
15 to affect under any trade agreement arising out of such  
16 negotiations. If such report states that the President intends  
17 to negotiate with respect to the subject matter area of con-  
18 sumer protection, employee health and safety, labor stand-  
19 ards, or environmental standards, then the President may not  
20 enter into negotiations under this section with respect to such  
21 subject matter area unless the Congress approves such nego-  
22 tiations under the provisions of paragraph (3).

23 (3) Negotiations may be entered into under this sec-  
24 tion with respect to each subject matter area described in

1 paragraph (2) only if negotiation of such subject matter  
2 area is specifically approved by the Congress by the adoption  
3 of a negotiation approval resolution (described in section 151  
4 (b)).

5 (c) Before the President enters into any trade agree-  
6 ment under this section providing for the harmonization, re-  
7 duction, or elimination of a barrier to (or other distortion of)  
8 international trade, he shall consult with the Committee on  
9 Ways and Means of the House of Representatives, the Com-  
10 mittee on Finance of the Senate, and with each committee of  
11 the House and the Senate and each joint committee of the  
12 Congress which has jurisdiction over legislation involving  
13 subject matters which would be affected by such trade agree-  
14 ment. Such consultation shall include all matters relating  
15 to the implementation of such trade agreement as provided  
16 in subsections (d) and (e). If it is proposed to implement  
17 such trade agreement, together with one or more other trade  
18 agreements entered into under this section, in a single imple-  
19 menting bill, such consultation shall include the desirability  
20 and feasibility of such proposed implementation.

21 (d) Whenever the President enters into a trade agree-  
22 ment under this section providing for the harmonization, re-  
23 duction, or elimination of a barrier to (or other distortion of)  
24 international trade, he shall submit such agreement, together  
25 with—

1           (A) a draft of an implementing bill (described in  
2       section 151(b)) and a statement of any administrative  
3       action proposed to implement such agreement, to the  
4       Congress as provided in subsection (e), and

5           (B) an employment impact statement setting forth  
6       in detail, and substantiated with factual information, job  
7       losses and gains which may be expected as a result of  
8       such agreement, and  
9       such agreement shall enter into force with respect to the  
10      United States only if the provisions of subsection (e) are  
11      complied with and the implementing bill submitted by the  
12      President is enacted into law.

13          (e) Each trade agreement submitted to the Congress  
14      under this subsection shall enter into force with respect to the  
15      United States if (and only if)—

16           (1) the President, not less than 90 days before  
17      the day on which he enters into such trade agreement,  
18      notifies the House of Representatives and the Senate  
19      of his intention to enter into such an agreement, and  
20      promptly thereafter publishes notice of such intention  
21      in the Federal Register;

22           (2) after entering into the agreement, the President  
23      transmits a document to the House of Representatives and  
24      to the Senate containing a copy of such agreement to-  
25      gether with—

1           (A) a draft of an implementing bill and a  
2           statement of any administrative action proposed to  
3           implement such agreement, and an explanation as to  
4           how the implementing bill and proposed adminis-  
5           trative action change or affect existing law, and

6           (B) a statement of his reasons as to how the  
7           agreement serves the interests of United States com-  
8           merce and as to why the implementing bill and pro-  
9           posed administrative action is required or appropri-  
10          ate to carry out the agreement; and

11          (3) the implementing bill is enacted into law.

12          (f) To insure that a foreign country or instrumentality  
13          which receives benefits under a trade agreement entered into  
14          under this section is subject to the obligations imposed by such  
15          agreement, the President may recommend to Congress in the  
16          implementing bill and statement of administrative action sub-  
17          mitted with respect to such agreement that the benefits and  
18          obligations of such agreement apply solely to the parties to  
19          such agreement, if such application is consistent with the  
20          terms of such agreement. The President may also recommend  
21          with respect to any such agreement that the benefits and obli-  
22          gations of such agreement not apply uniformly to all parties  
23          to such agreement, if such application is consistent with the  
24          terms of such agreement.

1       (g) *For purposes of this section—*

2               (1) *the term “barrier” includes the American selling*  
3       *price basis of customs evaluation as defined in section*  
4       *402 or 402a of the Tariff Act of 1930, as appropriate;*

5               (2) *the term “distortion” includes a subsidy; and*

6               (3) *the term “international trade” includes trade in*  
7       *both goods and services.*

8       **(11) SEC. 103. OVERALL NEGOTIATING OBJECTIVE.**

9       *The overall United States negotiating objective under*  
10       *sections 101 and 102 shall be to obtain more open and equi-*  
11       *table market access and the harmonization, reduction, or*  
12       *elimination of devices which distort trade or commerce. To*  
13       *the maximum extent feasible, the harmonization, reduction, or*  
14       *elimination of agricultural trade barriers and distortions*  
15       *shall be undertaken in conjunction with the harmonization,*  
16       *reduction, or elimination of industrial trade barriers and*  
17       *distortions.*

18       **(12) SEC. 104. SECTOR NEGOTIATING OBJECTIVE.**

19       (a) *A principal United States negotiating objective*  
20       *under sections 101 and 102 shall be to obtain, to the maxi-*  
21       *um extent feasible, with respect to appropriate product sec-*  
22       *tors of manufacturing, and with respect to the agricultural*  
23       *sector, competitive opportunities for United States exports to*  
24       *the developed countries of the world equivalent to the com-*

1 *petitive opportunities afforded in United States markets to the*  
2 *importation of like or similar products, taking into account*  
3 *all barriers (including tariffs) to and other distortions of*  
4 *international trade affecting that sector.*

5       *(b) As a means of achieving the negotiating objective set*  
6 *forth in subsection (a), to the extent consistent with the objec-*  
7 *tive of maximizing overall economic benefit to the United*  
8 *States (through maintaining and enlarging foreign markets*  
9 *for products of United States agriculture, industry, mining,*  
10 *and commerce, through the development of fair and equitable*  
11 *market opportunities, and through open and nondiscrimina-*  
12 *tory world trade), negotiations shall, to the extent feasible and*  
13 *consistent with the provisions of section 103, be conducted on*  
14 *the basis of appropriate product sectors of manufacturing.*

15       *(c) For the purposes of this section and section 135, the*  
16 *Special Representative for Trade Negotiations together with*  
17 *the Secretary of Commerce, Agriculture, or Labor, as appro-*  
18 *priate, shall, after consultation with the Advisory Committee*  
19 *for Trade Negotiations established under section 135 and*  
20 *after consultation with interested private organizations,*  
21 *identify appropriate product sectors of manufacturing.*

22       *(d) If the President determines that competitive oppor-*  
23 *tunities in one or more product sectors will be significantly*  
24 *affected by a trade agreement concluded under section 101*  
25 *or 102, he shall submit to the Congress with each such*

1 *agreement an analysis of the extent to which the negotiating*  
 2 *objective set forth in subsection (a) is achieved by such agree-*  
 3 *ment in each product sector or product sectors.*

4 **(13)SEC. 105. BILATERAL TRADE AGREEMENTS.**

5 *If the President determines that bilateral trade agree-*  
 6 *ments will more effectively promote the economic growth of,*  
 7 *and full employment in, the United States, then, in such*  
 8 *cases, a principal negotiating objective under sections 101*  
 9 *and 102 shall be to enter into bilateral trade agreements.*  
 10 *Each such trade agreement shall provide for mutually ad-*  
 11 *vantageous economic benefits.*

12 **(14)SEC. 106. AGREEMENTS WITH DEVELOPING COUN-**  
 13 **TRIES.**

14 *A principal United States negotiating objective under*  
 15 *sections 101 and 102 shall be to enter into trade agreements*  
 16 *which promote the economic growth of both developing*  
 17 *countries and the United States and the mutual expansion*  
 18 *of market opportunities.*

19 **(15)SEC. 107. INTERNATIONAL SAFEGUARD PROCE-**  
 20 **DURES.**

21 *(a) A principal United States negotiating objective under*  
 22 *section 102 shall be to obtain internationally agreed upon*  
 23 *rules and procedures, in the context of the harmonization, re-*  
 24 *duction, or elimination of barriers to, and other distortions*  
 25 *of, international trade, which permit the use of temporary*

1 *measures to ease adjustment to changes occurring in competi-*  
 2 *tive conditions in the domestic markets of the parties to an*  
 3 *agreement resulting from such negotiations due to the expan-*  
 4 *sion of international trade.*

5 *(b) Any agreement entered into under section 102 may*  
 6 *include provisions establishing procedures for—*

7 *(1) notification of affected exporting countries,*

8 *(2) international consultations,*

9 *(3) international review of changes in trade flows,*

10 *(4) making adjustments in trade flows as the result*  
 11 *of such changes, and*

12 *(5) international mediation.*

13 *Such agreements may also include provisions which—*

14 *(A) exclude, under specified conditions, the*  
 15 *parties thereto from compensation obligations and*  
 16 *retaliation, and*

17 *(B) permit domestic public procedures through*  
 18 *which interested parties have the right to participate.*

19 **(16)SEC. 108. ACCESS TO SUPPLIES.**

20 *(a) A principal United States negotiating objective*  
 21 *under section 102 shall be to enter into trade agreements with*  
 22 *foreign countries and instrumentalities to assure the United*  
 23 *States of fair and equitable access at reasonable prices to*  
 24 *supplies of articles of commerce which are important to the*  
 25 *economic requirements of the United States and for which*  
 26 *the United States does not have, or cannot easily develop,*



1 *the necessary domestic productive capacity to supply its own*  
 2 *requirements.*

3 *(b) Any agreement entered into under section 102 may*  
 4 *include provisions which—*

5 *(1) assure to the United States the continued avail-*  
 6 *ability of important articles at reasonable prices, and*

7 *(2) provide reciprocal concessions or comparable*  
 8 *trade obligations, or both, by the United States.*

9 SEC. ~~(17)~~<sup>103</sup>. 109. STAGING REQUIREMENTS AND ROUND-  
 10 ING AUTHORITY.

11 (a) Except as otherwise provided in this section, the  
 12 aggregate reduction in the rate of duty on any article which  
 13 is in effect on any day pursuant to a trade agreement under  
 14 section 101 shall not exceed the aggregate reduction which  
 15 would have been in effect on such day if—

16 ~~(18)~~~~(1)~~ a reduction of  $\frac{3}{16}$  percent ad valorem or a reduc-  
 17 tion of one-fifteenth of the total reduction under such  
 18 agreement, whichever is greater, had taken effect on the  
 19 date of the first proclamation pursuant to section 101(a)-  
 20 ~~(2)~~ to carry out such trade agreement, and

21 ~~(2)~~ the remainder of such total reduction had taken  
 22 effect at 1-year intervals after the date referred to in  
 23 paragraph ~~(1)~~ in installments equal to the greater of  $\frac{3}{16}$   
 24 percent ad valorem or one-fourteenth of such remainder.

25 (1) in the case of a total reduction in the rate of

1 *duty on any article under such agreement in excess of 20*  
 2 *percent ad valorem, a reduction of one-tenth of that*  
 3 *total reduction had taken effect on the effective date of the*  
 4 *first reduction proclaimed pursuant to section 101(a)(2)*  
 5 *to carry out such agreement with respect to such article*  
 6 *and at the beginning of each 1-year period after that*  
 7 *date; or*

8 *(2) in the case of a total reduction in such rate of*  
 9 *duty not in excess of 20 percent ad valorem, a reduction*  
 10 *of 2 percent ad valorem had taken effect on the effective*  
 11 *date of such first reduction and at the beginning of*  
 12 *each 1-year period after that date.*

13 This subsection shall not apply in any case where the total  
 14 reduction in the rate of duty does not exceed 10 percent of  
 15 the rate before the reduction.

16 (b) If the President determines that such action will  
 17 simplify the computation of the amount of duty imposed with  
 18 respect to an article, he may exceed the limitation provided  
 19 by section 101(b) or subsection (a) of this section by not  
 20 more than whichever of the following is lesser:

21 (1) the difference between the limitation and the  
 22 next lower whole number, or

23 (2) one-half of 1 percent ad valorem.

24 ~~(19)(e)(1)~~ No reduction pursuant to a trade agreement  
 25 under this title shall take effect more than 15 years after

1 the date of the first proclamation to carry out such trade  
2 agreement.

3 (c) (1) *No reduction in the rate of duty on any article*  
4 *pursuant to a trade agreement under section 101 shall take*  
5 *effect more than 10 years after the effective date of the first*  
6 *reduction proclaimed to carry out such trade agreement with*  
7 *respect to such article.*

8 (2) If any part of a reduction takes effect, then any time  
9 thereafter during which such part of the reduction is not in  
10 effect by reason of legislation of the United States or action  
11 thereunder~~(20)~~, *the effect of which is to maintain or in-*  
12 *crease the rate of duty on an article*, shall be excluded in de-  
13 termining—

14 (A) the 1-year~~(21)~~~~intervals~~ *periods* referred to in  
15 subsection (a) ~~(22)~~~~(2)~~, and

16 (B) the expiration of the~~(23)~~~~15~~ *10 year period* re-  
17 ferred to in paragraph (1) of this subsection.

## 18 CHAPTER 2—OTHER AUTHORITY

19 SEC. 121. STEPS TO BE TAKEN TOWARD GATT REVISION;

20 AUTHORIZATION OF APPROPRIATIONS FOR

21 GATT.

22 (a) The President shall, as soon as practicable, take  
23 such action as may be necessary to bring trade agreements  
24 heretofore entered into, and the application thereof, into  
25 conformity with principles promoting the development of

1 an open, nondiscriminatory, and fair world economic~~(24)~~  
 2 system, including ~~(but not limited to):~~ *The action and prin-*  
 3 *ciples referred to in the preceding sentence includes, but are*  
 4 *not limited to, the following—*

5 (1) the revision of decisionmaking~~(25)~~~~machinery~~  
 6 *procedures* in the General Agreement on Tariffs and  
 7 Trade (hereinafter in this subsection referred to as  
 8 “GATT”) to more nearly reflect the balance of eco-  
 9 nomic~~(26)~~~~interest~~ *interests,*

10 (2) the revision of article XIX of the GATT into  
 11 a truly international safeguard~~(27)~~~~mechanism~~ *procedure*  
 12 which takes into account all forms of import restraints  
 13 countries use in response to injurious competition or  
 14 threat of such competition,

15 (3) the extension of GATT articles to conditions  
 16 of trade not presently covered in order to move to-  
 17 ward more fair trade practices,

18 (4) the adoption of international fair labor stand-  
 19 ards and of public petition and confrontation procedures  
 20 in the GATT,

21 (5) the revision of GATT articles with respect to  
 22 the treatment of border adjustments for internal taxes to  
 23 redress the disadvantage to countries relying primarily  
 24 on direct rather than indirect taxes for revenue needs,  
 25 ~~(28)~~~~and~~

26 (6) the revision of the balance-of-payments pro-

vision in the GATT articles so as to recognize import surcharges as the preferred means by which industrial countries may handle balance-of-payments deficits insofar as import restraint measures are ~~(29)~~required required,

~~(30)~~(7) *the improvement and strengthening of the provisions of GATT and other international agreements governing access to supplies of food, raw materials, and manufactured or semi-manufactured products, including rules and procedures governing the imposition of export controls, the denial of fair and equitable access to such supplies, and effective consultative procedures on problems of supply shortages,*

~~(31)~~(8) *the extension of the provisions of GATT or other international agreements to authorize multilateral procedures by contracting parties with respect to member or nonmember countries which deny fair and equitable access to supplies of food, raw materials, and manufactured or semi-manufactured products, and thereby substantially injure the international community,*

~~(32)~~(9) *any revisions necessary to establish procedures for regular consultation among countries and instrumentalities with respect to international trade and procedures to adjudicate commercial disputes among such countries or instrumentalities,*

~~(33)~~(10) *any revisions necessary to apply the principles*

1      *of reciprocity and nondiscrimination, including the*  
 2      *elimination of special preferences and reverse prefer-*  
 3      *ences, to all aspects of international trade,*

4      **(34)**(11) *any revisions necessary to establish more flex-*  
 5      *ible international monetary mechanisms,*

6      **(35)**(12) *any revisions necessary to define the forms of*  
 7      *subsidy to industries producing products for export and*  
 8      *the forms of subsidy to attract foreign investment which*  
 9      *are consistent with an open, nondiscriminatory, and fair*  
 10     *system of international trade,*

11     **(36)**(13) *any revisions necessary to establish agreement*  
 12     *on the extraterritorial application of national laws,*  
 13     *including laws relating to antitrust, taxation, and*  
 14     *foreign trade, and*

15     **(37)**(14) *any revisions necessary to establish an inter-*  
 16     *national agreement on footwear, within the GATT,*  
 17     *including the creation of regular and institutionalized*  
 18     *mechanism for the settlement of disputes, and of a surveil-*  
 19     *lance body to monitor all international shipments in*  
 20     *footwear.*

21     **(38)**(b) ~~There are hereby authorized to be appropriated an~~  
 22     ~~ually such sums as may be necessary for the payment by~~  
 23     ~~the United States of its share of the expenses of the contract-~~  
 24     ~~ing parties to the General Agreement on Tariffs and Trade.~~

1 (39)(b) *The President shall, to the extent feasible, enter into*  
2 *agreements with foreign countries or instrumentalities*  
3 *to establish the principles described in subsection (a) with*  
4 *respect to international trade between the United States and*  
5 *such countries or instrumentalities.*

6 (40)(c) *If the President enters into a trade agreement which*  
7 *establishes rules or procedures, including those set forth in*  
8 *subsection (a), promoting the development of an open, non-*  
9 *discriminatory, and fair world economic system and if the*  
10 *implementation of such agreement will change any provision*  
11 *of Federal law (including a material change in an admin-*  
12 *istrative rule), such agreement shall take effect with respect*  
13 *to the United States only if the appropriate implementing*  
14 *legislation is enacted by the Congress unless implementation*  
15 *of such agreement is effected pursuant to authority delegated*  
16 *by Congress. Such trade agreement may be submitted to*  
17 *the Congress for approval in accordance with the procedures*  
18 *of section 151. Nothing in this section shall be construed as*  
19 *prior approval of any legislation necessary to implement a*  
20 *trade agreement entered into under this section.*

21 (41)(d) *There are authorized to be appropriated annually*  
22 *such sums as may be necessary for the payment by the United*  
23 *States of its share of the expenses of the Contracting Parties*  
24 *to the General Agreement on Tariffs and Trade. This author-*  
25 *ization does not imply approval or disapproval by the Con-*

1 *gress of all articles of the General Agreement on Tariffs and*  
 2 *Trade.*

3 **SEC. 122. BALANCE-OF-PAYMENTS AUTHORITY.**

4 ~~(42)(a)~~ *Whenever the President determines that funda-*  
 5 *mental international payments problems require special im-*  
 6 *port measures to restrict imports—*

7 ~~(1)~~ *to deal with a large and serious United States*  
 8 *balance-of-payments deficit,*

9 ~~(2)~~ *to prevent an imminent and significant depre-*  
 10 *ciation of the dollar in foreign exchange markets, or*

11 ~~(3)~~ *to cooperate with other countries in correcting*  
 12 *an international balance-of-payments disequilibrium,*

13 *the President is authorized for a period not exceeding 150*  
 14 *days (unless a longer period is authorized by Act of*  
 15 *Congress)—*

16 ~~(A)~~ *to proclaim a temporary import surcharge, not*  
 17 *to exceed 15 percent ad valorem, in the form of duties*  
 18 *(in addition to those already imposed, if any) on articles*  
 19 *imported into the United States; and*

20 ~~(B)~~ *to proclaim temporary limitations through the*  
 21 *use of quotas on the importation of articles into the*  
 22 *United States.*

23 *Subparagraph (B) shall apply (i) only if international trade*  
 24 *or monetary agreements to which the United States is a party*  
 25 *permit the imposition of quotas as a balance-of-payments*  
 26 *measure, and (ii) only to the extent that the fundamental*



1 ~~imbalance cannot be dealt with effectively by a surcharge~~  
 2 ~~proclaimed pursuant to subparagraph (A). Any temporary~~  
 3 ~~import surcharge proclaimed pursuant to subparagraph (A)~~  
 4 ~~shall be treated as a regular customs duty.~~

5 (42)(a) *Whenever fundamental international payments*  
 6 *problems require special import measures to restrict imports—*

7 *(1) to deal with large and serious United States*  
 8 *balance-of-payments deficits,*

9 *(2) to prevent an imminent and significant deprecia-*  
 10 *tion of the dollar in foreign exchange markets, or*

11 *(3) to cooperate with other countries in correcting*  
 12 *an international balance-of-payments disequilibrium,*

13 *the President shall proclaim, for a period not exceeding 180*  
 14 *days (unless such period is extended by Act of Congress)—*

15 *(A) a temporary import surcharge, not to exceed*  
 16 *15 percent ad valorem, in the form of duties (in addi-*  
 17 *tion to those already imposed, if any) on articles im-*  
 18 *ported into the United States;*

19 *(B) temporary limitations through the use of quotas*  
 20 *on the importation of articles into the United States; or*

21 *(C) both a temporary import surcharge described*  
 22 *in subparagraph (A) and temporary limitations de-*  
 23 *scribed in subparagraph (B).*

24 *The authority delegated under subparagraph (B) (and so*  
 25 *much of subparagraph (C) as relates to subparagraph (B))*

1 *may be exercised (i) only if international trade or monetary*  
 2 *agreements to which the United States is a party permit the*  
 3 *imposition of quotas as a balance-of-payments measure, and*  
 4 *(ii) only to the extent that the fundamental imbalance cannot*  
 5 *be dealt with effectively by a surcharge proclaimed pursuant*  
 6 *to subparagraph (A) or (C). Any temporary import sur-*  
 7 *charge proclaimed pursuant to subparagraph (A) or (C)*  
 8 *shall be treated as a regular customs duty.*

9 **(43)**(b) *If the President determines that the imposition of*  
 10 *import restrictions under subsection (a) will be contrary to*  
 11 *the national interest of the United States, then he may refrain*  
 12 *from proclaiming such restrictions and he shall—*

13 *(1) immediately inform Congress of his determi-*  
 14 *nation, and*

15 *(2) immediately convene the group of congressional*  
 16 *official advisers designated under section 161(a) and con-*  
 17 *sult with them as to the reasons for such determination.*

18 **(44)**~~(b)~~(c) *Whenever the President determines that funda-*  
 19 *mental international payments problems require special im-*  
 20 *port measures to increase imports—*

21 *(1) to deal with **(45)**a large and persistent United*  
 22 *States ~~balance-of-payments surplus, or~~ large and per-*  
 23 *sistent United States balance-of-trade surpluses, as de-*  
 24 *termined on the basis of the cost-insurance-freight value*  
 25 *of imports, as reported by the Bureau of the Census, or*

1           (2) to prevent significant appreciation of the dollar  
 2       in foreign exchange markets,  
 3   the President is authorized ~~(46)~~*to proclaim* for a period of  
 4   150 days (unless ~~(47)~~*a longer period is authorized such*  
 5   *period is extended* by Act of Congress) —

6           (A) ~~(48)~~*to proclaim* a temporary reduction (of not  
 7       more than 5 percent ad valorem) in the rate of duty on  
 8       any article; and

9           (B) ~~(49)~~*to proclaim* a temporary increase in the  
 10      value or quantity of articles which may be imported  
 11      under any import restriction, or a temporary suspension  
 12      of any import ~~(50)~~*restrictions; restriction.*

13   ~~(51)~~*except with respect to those articles where in his judge-*  
 14   *ment such action would cause or contribute to material injury*  
 15   *to firms or workers in any domestic industry, including agri-*  
 16   *culture, mining, fishing, or commerce, or to impairment of the*  
 17   *national security, or would otherwise be contrary to the*  
 18   *national interest.*

19   *Import liberalizing actions proclaimed pursuant to this sub-*  
 20   *section shall be of broad and uniform application with re-*  
 21   *spect to product coverage except that the President shall not*  
 22   *proclaim measures under this subsection with respect to those*  
 23   *articles where in his judgment such action will cause or con-*  
 24   *tribute to material injury to firms or workers in any domestic*  
 25   *industry, including agriculture, mining, fishing, or com-*

1 *merce, or to impairment of the national security, or will*  
 2 *otherwise be contrary to the national interest.*

3 ~~(52)(e)~~(d) (1) Import restricting actions proclaimed pur-  
 4 suant to subsection (a) shall be applied consistently with the  
 5 principle of nondiscriminatory treatment. In addition, any  
 6 quota proclaimed pursuant to subparagraph (B) of subsection  
 7 (a) shall be applied on a basis which aims at a distribution of  
 8 trade with the United States approaching as closely as  
 9 possible that which various foreign countries might have  
 10 expected to obtain in the absence of such restrictions.

11 (2) Notwithstanding paragraph (1), if the President  
 12 determine that the purposes of this section ~~(53)would~~ *will*  
 13 best be served by action against one or more countries having  
 14 large or persistent balance-of-payments surpluses, he may  
 15 exempt all other countries from such ~~(54)surcharge~~ *action*.

16 (3) After such time when there enters into force for the  
 17 United States new rules regarding the application of sur-  
 18 charges as part of a reform of internationally agreed balance-  
 19 of-payments adjustment procedures, the exemption authority  
 20 contained in paragraph (2) shall be applied consistently  
 21 with such new international rules.

22 (4) It is the sense of Congress that the President seek  
 23 modifications in international agreements aimed at allowing  
 24 the use of surcharges in place of quantitative restrictions (and  
 25 providing rules to govern the use of such surcharges) as a

1 balance-of-payments adjustment measure within the context  
 2 of arrangements for an equitable sharing of balance-of-pay-  
 3 ments adjustment responsibility among deficit and surplus  
 4 countries.

5 ~~(55)(d)~~(e) Import restricting actions proclaimed pursuant  
 6 to subsection (a) shall be of broad and uniform applica-  
 7 tion with respect to product coverage except where the Pres-  
 8 ident determines, consistently with the purposes of this section,  
 9 that certain articles ~~(56)~~or groups of articles should not be  
 10 subject to import restricting actions because of the needs of the  
 11 United States economy. Such exceptions shall be limited to the  
 12 unavailability of domestic supply at reasonable prices, the  
 13 necessary importation of raw materials, avoiding serious dis-  
 14 locations in the supply of imported goods, and other similar  
 15 factors. In addition, uniform exceptions may be made where  
 16 import restricting actions ~~(57)~~would *will* be unnecessary or  
 17 ineffective in carrying out the purposes of this section, such as  
 18 with respect to articles already subject to import restrictions,  
 19 goods in transit, or goods under binding contract. Neither the  
 20 authorization of import restricting actions nor the determina-  
 21 tion of exceptions with respect to product coverage shall be  
 22 made for the purpose of protecting individual domestic indus-  
 23 tries from import competition.

24 ~~(58)(e)~~(f) Any quantitative limitations proclaimed pur-  
 25 suant to subparagraph ~~(59)(B)~~ (B) or (C) of subsection (a)

1 on the quantity or value, or both, or an article ~~(60)~~ ~~or group of~~  
 2 ~~articles—~~

3 (1) shall permit the importation of a quantity or value  
 4 ~~(61)~~ *which is* not less than the quantity or value of such  
 5 article ~~(63)~~ ~~or articles~~ imported into the United States  
 6 from the foreign countries to which such limitation applies  
 7 during the most recent period which the President  
 8 determines is representative of imports of such article ~~(63)~~  
 9 ~~or articles~~, and

10 (2) shall take into account any increase since the  
 11 end of such representative period in domestic consump-  
 12 tion of such article ~~(64)~~ ~~or articles~~ and like or similar  
 13 articles of domestic manufacturer or production.

14 ~~(65)~~ ~~(f)~~ *(g)* The President may at any time, consistent  
 15 with the provisions of this section, suspend, modify, or termi-  
 16 nate, in whole or in part, any proclamation under this section  
 17 either during the initial 150-day ~~(66)~~ *or 180-day* period of ~~(67)~~  
 18 ~~effectiveness~~ ~~or effectiveness~~, *as applicable*, or as extended by  
 19 subsequent Act of Congress.

20 ~~(68)~~ ~~(g)~~ *(h)* No provision of law authorizing the termina-  
 21 tion of tariff concessions shall be used to impose a surcharge on  
 22 imports into the United States.

23 ~~(69)~~ **SEC. 123. AUTHORITY TO SUSPEND IMPORT BAR-**  
 24 **RIERS TO RESTRAIN INFLATION.**

25 ~~(a)~~ If, during a period of sustained or rapid price in-

1 ereases, the President determines that supplies of articles,  
 2 imports of which are dutiable or subject to any other import  
 3 restriction, are inadequate to meet domestic demand at rea-  
 4 sonable prices, he may, either generally or by article or cate-  
 5 gory of articles—

6       ~~(1)~~ proclaim a temporary reduction in, or suspen-  
 7 sion of, the duty applicable to any article; and

8       ~~(2)~~ proclaim a temporary increase in the value or  
 9 quantity of articles which may be imported under any  
 10 import restriction.

11 Proclamations under this section in effect at any time shall  
 12 not apply to more than 30 percent of the estimated total  
 13 value of United States imports of all articles during the time  
 14 such actions are in effect.

15       ~~(b) (1)~~ The President shall exclude from the applica-  
 16 tion of any proclamation issued under subsection ~~(a)~~ any  
 17 article if in his judgment such action would cause or con-  
 18 tribute to material injury to firms or workers in any domes-  
 19 tic industry, including agriculture, mining, fishing, or com-  
 20 merce, or to impairment of the national security, or would  
 21 otherwise be contrary to the national interest.

22       ~~(2)~~ The President shall exclude from the application  
 23 of any proclamation under subsection ~~(a)~~ any article which  
 24 is the subject of any proclamation under section 22 of the  
 25 Agricultural Adjustment Act.

1       ~~(e)~~ The President may, to the extent that such action  
 2 is consistent with the purposes of this section and the limita-  
 3 tions contained in this section, proclaim the modification or  
 4 termination, in whole or in part, of any proclamation issued  
 5 under subsection ~~(a)~~.

6       ~~(d)~~ The President shall promptly notify each House of  
 7 Congress of any action taken under this section and the  
 8 reasons therefor.

9       ~~(e)~~ The effective period for any proclamation issued  
 10 under this section with respect to any article shall not  
 11 exceed 150 days ~~(unless a longer period is authorized by~~  
 12 ~~Act of Congress)~~; nor shall any article which has been the  
 13 subject of any proclamation issued under this section be the  
 14 subject of another proclamation issued under this section  
 15 until 1 year has expired after the termination of the effective  
 16 period of such prior proclamation.

17 SEC. ~~(70)~~<sup>124</sup>. 123. COMPENSATION AUTHORITY.

18       (a) Whenever any action has been taken under section  
 19 203~~(71)~~~~(b)~~ to increase or impose any duty or other import  
 20 restriction, the President—

21               (1) may enter into ~~(72)~~*trade* agreements with for-  
 22 eign country ~~(73)~~*or instrumentalities* for the purpose of  
 23 granting new concessions as compensation in order to  
 24 maintain the general level of reciprocal and mutually ad-  
 25 vantageous concessions; and



1           (2) may proclaim such modification or continu-  
 2           ance of any existing duty, or such continuance of exist-  
 3           ing duty-free or excise treatment, as he determines to be  
 4           required or appropriate to carry out any such agreement.

5           (b) ~~(74)~~(1) No proclamation shall be made pursuant to  
 6           subsection (a) decreasing any rate of duty to a rate which is  
 7           ~~(75)more than 30 percent below~~ *less than 70 percent* of the  
 8           existing rate of duty.

9           ~~(76)~~(2) *Where the rate of duty in effect at any time is an*  
 10          *intermediate stage under section 109, the proclamation made*  
 11          *pursuant to subsection (a) may provide for the reduction*  
 12          *of each rate of duty at each such stage proclaimed under*  
 13          *section 101 by not more than 30 percent of such rate of*  
 14          *duty, and may provide for a final rate of duty which is not*  
 15          *less than 70 percent of the rate of duty proclaimed as the*  
 16          *final stage under section 101.*

17          ~~(77)~~(3) *If the President determines that such action will*  
 18          *simplify the computation of the amount of duty imposed*  
 19          *with respect to an article, he may exceed the limitations pro-*  
 20          *vided by paragraphs (1) and (2) of this subsection by not*  
 21          *more than the lesser of—*

22                 (A) *the difference between such limitation and the*  
 23                 *next lower whole number, or*

24                 (B) *one-half of 1 percent ad valorem.*

1 (78)(4) *Any concessions granted under subsection (a)(1)*  
 2 *shall be reduced and terminated according to substantially*  
 3 *the same time schedule for reduction applicable to the relevant*  
 4 *import relief under section 203(h).*

5 (79)(e) ~~No agreement may be entered into under this sec-~~  
 6 ~~tion during any period in which agreements may be entered~~  
 7 ~~into under section 101.~~

8 (80)(c) *No trade agreement may be entered into under this*  
 9 *section with any foreign country or instrumentality if such*  
 10 *country or instrumentality has violated trade agreement con-*  
 11 *cessions of benefit to the United States and such violation has*  
 12 *not been adequately offset by action of the United States or*  
 13 *by such country or instrumentality.*

14 (81)(d) *Notwithstanding the provisions of subsection (a),*  
 15 *the authority delegated under section 101 shall be used for the*  
 16 *purpose of granting new concessions as compensation within*  
 17 *the meaning of this section until such authority terminates.*

18 SEC. (82)~~125.~~ **AUTHORITY TO RENEGOTIATE DUTIES.** 124.

19 **TWO-YEAR RESIDUAL AUTHORITY TO**  
 20 **NEGOTIATE DUTIES.**

21 (a) Whenever the President determines that any exist-  
 22 ing duties or other import restrictions of any foreign country  
 23 or the United States are unduly burdening and restricting  
 24 the foreign trade of the United States and that the purposes  
 25 (83)~~stated in section 2 of this Act~~ will be promoted thereby,  
 26 the President—

1           (1) may enter into trade agreements with foreign  
2       countries or instrumentalities thereof, and

3           (2) may proclaim such modification or continuance  
4       of any existing duty, such continuance of existing duty-  
5       free or excise treatment, or such additional duties, as  
6       he determines to be required or appropriate to carry out  
7       any such trade agreement.

8       (b) Agreements entered into under this section in any  
9       1-year period shall not provide for the reduction of duties,  
10      or the continuance of duty-free ~~(84)~~*or excise* treatment, for  
11      articles which account for more than 2 percent of the value  
12      of United States imports for the most recent 12-month period  
13      for which import statistics are available.

14      (c) (1) No proclamation shall be made pursuant to sub-  
15      section (a) decreasing any rate of duty to a rate which is  
16      ~~(85)more than 20 percent below~~ *less than 80 percent of the*  
17      existing rate of duty.

18      (2) No proclamation shall be made pursuant to sub-  
19      section (a) decreasing or increasing any rate of duty to a  
20      rate which is lower or higher than the corresponding rate  
21      which would have resulted if the maximum authority  
22      granted by section 101 with respect to such article had been  
23      exercised.

24      ~~(86)~~*(3) Where the rate of duty in effect at any time is an*  
25      *intermediate stage under section 109, the proclamation made*

1 *pursuant to subsection (a) may provide for the reduction of*  
 2 *each rate of duty at each such stage proclaimed under section*  
 3 *101 by not more than 20 percent of such rate of duty, and,*  
 4 *subject to the limitation in paragraph (2), may provide for*  
 5 *a final rate of duty which is not less than 80 percent of the*  
 6 *rate of duty proclaimed as the final stage under section 101.*  
 7 **(87)(4)** *If the President determines that such action will*  
 8 *simplify the computation of the amount of duty imposed with*  
 9 *respect to an article, he may exceed the limitations provided by*  
 10 *paragraphs (1) and (2) of this subsection by not more than*  
 11 *the lesser of—*

12 *(A) the difference between such limitation and the*  
 13 *next lower whole number, or*

14 *(B) one-half of 1 percent ad valorem.*

15 (d) Agreements may be entered into under this section  
 16 only during the 2-year period which immediately follows the  
 17 close of the period during which agreements may be entered  
 18 into under section 101.

19 **SEC. (88)~~126~~. 125. TERMINATION AND WITHDRAWAL AU-**  
 20 **THORITY.**

21 (a) Every trade agreement entered into under this Act  
 22 shall be subject to **(89)**~~termination~~ *termination, in whole or*  
 23 *in part, or withdrawal, upon due notice, at the end of a period*  
 24 *specified in the agreement. Such period shall be not more*  
 25 *than 3 years from the date on which the agreement becomes*

1 effective. If the agreement is not terminated or withdrawn  
2 from at the end of the period so specified, it shall be subject  
3 to termination or withdrawal thereafter upon not more than  
4 6 months' notice.

5 (b) The President may at any time terminate, in whole  
6 or in part, any proclamation made under this Act.

7 (c) *Whenever the United States, acting in pursuance of*  
8 *of any of its rights or obligations under any trade agreement*  
9 *entered into pursuant to this Act, section 201 of the Trade*  
10 *Expansion Act of 1962, or section 350 of the Tariff Act*  
11 *of 1930, withdraws or suspends any obligation with respect*  
12 *to the trade of any foreign country or instrumentality thereof,*  
13 *the President is authorized, to the extent, at such times, and*  
14 *for such periods as he deems necessary or appropriate, in*  
15 *order to exercise the rights or fulfill the obligations of the*  
16 *United States and consistently with the purposes stated in*  
17 *section 2 and the international obligations of the United*  
18 *States, in addition to exercising the authority contained in*  
19 *subsection (b), to proclaim an increase in any existing duty*  
20 *to a rate not more than 50 percent above the rate existing*  
21 *on July 1, 1934, or 20 percent ad valorem above the rate*  
22 *existing on July 1, 1973, whichever is higher, and to pro-*  
23 *claim the withdrawal or suspension of the application, in*  
24 *whole or in part, of the agreement.*

25 (90)(c) *Whenever the United States, acting in pursuance*

*any of its rights or obligations under any trade agreement entered into pursuant to this Act, section 201 of the Trade Expansion Act of 1962, or section 350 of the Tariff Act of 1930, withdraws, suspends, or modifies any obligation with respect to the trade of any foreign country or instrumentality thereof, the President is authorized to proclaim increased duties or other import restrictions, to the extent, at such times, and for such periods as he deems necessary or appropriate, in order to exercise the rights or fulfill the obligations of the United States. No proclamation shall be made under this subsection increasing any existing duty to a rate more than 50 percent above the rate set forth in rate column numbered 2 of the Tariff Schedules of the United States, as in effect on January 1, 1975, or 20 percent ad valorem above the rate existing on July 1, 1975, whichever is higher.*

**(91)(d)** *Whenever any foreign country or instrumentality withdraws, suspends, or modifies the application of trade agreement obligations of benefit to the United States without granting adequate compensation therefor, the President, in pursuance of rights granted to the United States under any trade agreement and to the extent necessary to protect United States economic interests (including United States balance of payments), shall—*

*(1) withdraw, suspend, or modify the application*

1        *of substantially equivalent trade agreement obligations*  
 2        *of benefit to such foreign country or instrumentality, and*  
 3            *(2) proclaim under subsection (c) such increased*  
 4        *duties or other import restrictions as are appropriate*  
 5        *to effect adequate compensation from such foreign coun-*  
 6        *try or instrumentality.*

7 ~~(92)(d)~~ *(e) Duties or other import restrictions required or*  
 8 *appropriate to carry out any trade agreement entered into*  
 9 *pursuant to this Act, section 201 of the Trade Expansion*  
 10 *Act of 1962, or section 350 of the Tariff Act of 1930 shall*  
 11 *not be affected by any termination, in whole or in part, of*  
 12 *such agreement (93)or by the withdrawal of the United*  
 13 *States from such agreement and shall remain in effect after*  
 14 *the date of such termination (94)or withdrawal for 1 year,*  
 15 *unless the President by proclamation provides that such*  
 16 *rates shall be restored to the level (95)at which they would*  
 17 *be but for the agreement. Within 60 days (96)of after the*  
 18 *date of any such termination (97)or withdrawal, the Presi-*  
 19 *dent shall transmit to the Congress his recommendations as*  
 20 *to the appropriate rates of duty for all articles which were*  
 21 *affected by the termination (98)or withdrawal or would*  
 22 *have been so affected but for the preceding sentence.*

23 ~~(99)(e)~~ *(f) Before taking any action pursuant to subsection*  
 24 ~~(100)(b) or (e)~~ *(b), (c), or (d), the President shall pro-*  
 25 *vide for a public hearing during the course of which inter-*  
 26 *ested persons shall be given a reasonable opportunity to*

1 be present, to produce evidence, and to be heard(101),  
 2 *unless he determines that such prior hearings will be con-*  
 3 *trary to the national interest because of the need for expedi-*  
 4 *tious action, in which case he shall provide for a public*  
 5 *hearing promptly after such action.*

6 **SEC. (102)~~127. NONDISCRIMINATORY TREATMENT.~~ 126. RE-**  
 7 **CIPROCAL NONDISCRIMINATORY TREAT-**  
 8 **MENT.**

9 **(103)(a)** Except as otherwise provided in this Act or in any  
 10 other provision of law, any duty or other import restriction  
 11 or duty-free treatment proclaimed in carrying out any trade  
 12 agreement under this title shall apply to products of all  
 13 foreign countries, whether imported directly or indirectly.

14 **(104)(b)** *The President shall determine, after the conclusion*  
 15 *of all negotiations entered into under this Act or at the end of*  
 16 *the 5-year period beginning on the date of enactment of this*  
 17 *Act, whichever is earlier, whether any major industrial coun-*  
 18 *try has failed to make concessions under trade agreements*  
 19 *which provide competitive opportunities for the commerce of*  
 20 *the United States in such country substantially equivalent*  
 21 *to the competitive opportunities, provided by concessions made*  
 22 *by the United States under trade agreements, for the com-*  
 23 *merce of such country in the United States.*

24 **(105)(c)** *If the President determines under subsection (b)*  
 25 *that a major industrial country has not made concessions*  
 26 *under trade agreements which provide such substantially*



1 *equivalent competitive opportunities for the commerce of*  
 2 *United States, he shall, either generally with respect to such*  
 3 *country or by article produced by such country, in order to*  
 4 *restore equivalence of competitive opportunities—*

5       (1) *proclaim the termination of concessions or re-*  
 6 *frain from proclaiming benefits of trade agreement con-*  
 7 *cessions made with respect to rates of duty or other im-*  
 8 *port restrictions by the United States under any trade*  
 9 *agreement; and*

10       (2) *recommend to Congress that any legislation*  
 11 *necessary to carry out any trade agreement entered into*  
 12 *under section 102 shall not apply to such country.*

13 (106)(d) *For purposes of this section, “major industrial*  
 14 *country” means Canada, the European Economic Commu-*  
 15 *nity, the individual member countries of such Community,*  
 16 *Japan, and any other foreign country designated by the*  
 17 *President for purposes of this subsection.*

18 SEC. (107)~~128~~. 127. RESERVATION OF ARTICLES FOR NA-  
 19 TIONAL SECURITY OR OTHER REA-  
 20 SONS.

21       (a) No proclamation shall be made pursuant to the pro-  
 22 visions of this Act reducing or eliminating the duty or  
 23 other import restriction on any article if the President deter-  
 24 mines that such reduction or elimination would threaten to  
 25 impair the national security.

26 (108)(b) ~~While there is in effect with respect to any article~~

1 any action taken under section 203 of this Act, or section  
 2 232 or 351 of the Trade Expansion Act of 1962 (19 U.S.C.  
 3 sec. 1862, 1981), the President shall reserve such article  
 4 from negotiations under this title (and from any action under  
 5 section 122(b) or (123) contemplating reduction or elimina-  
 6 tion of any duty or other import restriction. In addition, the  
 7 President shall also so reserve any other article which he  
 8 determines to be appropriate, taking into consideration infor-  
 9 mation and advice available pursuant to and with respect to  
 10 the matters covered by sections 131, 132, 133(b), where  
 11 applicable.

12 *(b) While there is in effect with respect to any article*  
 13 *any action taken under section 203 of this Act, or section*  
 14 *232 or 351 of the Trade Expansion Act of 1962 (19 U.S.C.*  
 15 *1862 or 1981), the President shall reserve such article*  
 16 *from negotiations under this title (and from any action under*  
 17 *section 122(c)) contemplating reduction or elimination of—*

18 *(A) any duty on such article,*

19 *(B) any import restriction imposed under such*  
 20 *section, or*

21 *(C) any other import restriction, the removal of*  
 22 *which will be likely to undermine the effect of the import*  
 23 *restrictions referred to in subparagraph (B).*

24 *In addition, the President shall also so reserve any other*  
 25 *article which he determines to be appropriate, taking into con-*

1 *sideration information and advice available pursuant to and*  
 2 *with respect to the matters covered by sections 131, 132, and*  
 3 *133, where applicable.*

4 (c) The President shall submit to the Congress an an-  
 5 nual report on section 232 of the Trade Expansion Act of  
 6 1962. Within 60 days after he takes any action under such  
 7 section 232, the President shall report to the Congress the  
 8 action taken and the reasons therefor.

9 (109)(d) *Section 232 of the Trade Expansion Act of 1962*  
 10 *is amended—*

11 (1) *by striking out “Director of the Office of Emer-*  
 12 *gency Planning (hereinafter in this section referred to*  
 13 *as the ‘Director’)” in the first sentence of subsection (b)*  
 14 *and inserting in lieu thereof “Secretary of the Treasury*  
 15 *(hereinafter referred to as the ‘Secretary’);*

16 (2) *by striking out “advice from other appropriate*  
 17 *departments and agencies” in the first sentence of sub-*  
 18 *section (b) and inserting in lieu thereof “advice from,*  
 19 *and shall consult with, the Secretary of Defense, the*  
 20 *Secretary of Commerce, and other appropriate officers*  
 21 *of the United States”;*

22 (3) *by striking out the last sentence of subsection (b)*  
 23 *and inserting in lieu thereof the following: “The Secre-*  
 24 *tary shall, if it is appropriate and after reasonable notice,*  
 25 *hold public hearings or otherwise afford interested parties*

1     *an opportunity to present information and advice relevant*  
2     *to such investigation. The Secretary shall report the*  
3     *findings of his investigation under this subsection with*  
4     *respect to the effect of the importation of such article in*  
5     *such quantities or under such circumstances upon the*  
6     *national security and, based on such findings, his recom-*  
7     *mendation for action or inaction under this section to the*  
8     *President within one year after receiving an application*  
9     *from an interested party or otherwise beginning an in-*  
10    *vestigation under this subsection. If the Secretary finds*  
11    *that such article is being imported into the United States*  
12    *in such quantities or under such circumstances as to*  
13    *threaten to impair the national security, he shall so*  
14    *advise the President and the President shall take such*  
15    *action, and for such time, as he deems necessary to ad-*  
16    *just the imports of such article and its derivatives so that*  
17    *such imports will not threaten to impair the national*  
18    *security, unless the President determines that the article*  
19    *is not being imported into the United States in such*  
20    *quantities or under such circumstances as to threaten*  
21    *to impair the national security.”; and*

22           (4) *by striking out “Director” each place it appears*  
23    *in subsections (c) and (d) and inserting in lieu thereof*  
24    *“Secretary”.*

## 1 CHAPTER 3—HEARINGS AND ADVICE

### 2 CONCERNING NEGOTIATIONS

#### 3 SEC. 131. ~~(110)TARIFF~~ INTERNATIONAL TRADE COMMIS- 4 SION ADVICE.

5 (a) In connection with any proposed trade agreement  
6 under chapter 1 or section ~~(111)124 or 125~~ 123 or 124, the  
7 President shall from time to time publish and furnish the  
8 ~~(112)Tariff Commission~~ *International Trade Commission*  
9 *(hereafter in this section referred to as the "Commission")*  
10 with lists of articles which may be considered for modifica-  
11 tion or continuance of United States duties, continuance of  
12 United States duty-free or excise treatment, or additional  
13 duties. In the case of any article with respect to which con-  
14 sideration may be given to reducing or increasing the rate of  
15 duty, the list shall specify the provision of this title pursuant  
16 to which such consideration may be given.

17 (b) Within 6 months after receipt of such a list ~~(113)or,~~  
18 *in the case of a list submitted in connection with a trade agree-*  
19 *ment authorized under section 123, within 90 days after*  
20 *receipt of such list, the* ~~(114)Tariff~~ Commission shall advise  
21 the President with respect to each article of its judgment as to  
22 the probable economic effect of modifications of duties on  
23 industries producing like or directly competitive articles and  
24 on consumers, so as to assist the President in making an  
25 informed judgment as to the impact which might be caused

1 by such modifications on United States manufacturing, agri-  
 2 culture, mining, fishing, labor, and consumers. Such advice  
 3 may include in the case of any article the advice of the **(115)**  
 4 ~~Tariff~~ Commission as to whether any reduction in the rate of  
 5 duty should take place over a longer period than the minimum  
 6 periods provided by section **(116)**~~102~~ 109 (a).

7 (c) In addition, in order to assist the President in his  
 8 determination of whether to enter into any agreement under  
 9 section 102, the **(117)** ~~Tariff~~ Commission shall make such  
 10 investigations and reports as may be requested by the Presi-  
 11 dent, including, where feasible, advice as to the probable eco-  
 12 nomic effects of modifications of any barrier to (or other dis-  
 13 tortion of) international trade on domestic industries and pur-  
 14 chasers and prices and quantities of articles in the United  
 15 States.

16 (d) In preparing its advice to the President under this  
 17 section, the **(118)** ~~Tariff~~ Commission shall, to the extent prac-  
 18 ticable—

19 (1) investigate conditions, causes, and effects re-  
 20 lating to competition between the foreign industries pro-  
 21 ducing the articles in question and the domestic industries  
 22 producing the like or directly competitive articles;

23 (2) analyze the production, trade, and consumption  
 24 of each like or directly competitive article, taking into  
 25 consideration employment, profit levels, and use of pro-  
 26 ductive facilities with respect to the domestic industries

concerned, and such other economic factors in such industries as it considers relevant, including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production;

(3) describe the probable nature and extent of any significant change in employment, profit levels, and use of productive facilities, and such other conditions as it deems relevant in the domestic industries concerned which it believes such modifications would cause; and

(4) make special studies (including studies of real wages paid in foreign supplying countries), whenever deemed to be warranted, of particular proposed modifications affecting United States manufacturing, agriculture, mining, fishing, labor, and consumers, utilizing to the fullest extent practicable United States Government facilities abroad and appropriate personnel of the United States.

(c) In preparing its advice to the President under this section, the (119)Tariff Commission shall, after reasonable notice, hold public hearings.

#### SEC. 132. ADVICE FROM DEPARTMENTS AND OTHER SOURCES.

Before any trade agreement is entered into under chapter 1 or section ~~124 or 125~~ 123 or 124, the President shall

1 shall seek information and advice with respect to such agree-  
 2 ment from the Departments of Agriculture, Commerce,  
 3 Defense, Interior, Labor, State, and the Treasury, from the  
 4 Special Representative for Trade Negotiations, and from  
 5 such other sources as he may deem appropriate.

6 **SEC. 133. PUBLIC HEARINGS.**

7 (a) In connection with any proposed trade agreement  
 8 under chapter 1 or section ~~(121)~~<sup>124</sup> ~~or 125~~ *123 or 124*, the  
 9 President shall afford an opportunity for any interested per-  
 10 son to present his views concerning any article on a list  
 11 published pursuant to section 131, any article which should  
 12 be so listed, any concession which should be sought by the  
 13 United States, or any other matter relevant to such proposed  
 14 trade agreement. For this purpose, the President shall desig-  
 15 nate an agency or an interagency committee which shall,  
 16 after reasonable notice, hold public hearings and prescribe  
 17 regulations governing the conduct of such hearings.

18 (b) The organization holding such hearings shall fur-  
 19 nish the President with a summary thereof.

20 **SEC. 134. PREREQUISITES FOR OFFERS.**

21 In any negotiations seeking an agreement under chapter  
 22 1 or section ~~(122)~~<sup>124</sup> ~~or 125~~, *123 or 124*, the President  
 23 may make an offer for the modification or continuance of  
 24 any United States duty, ~~(123)~~<sup>import restrictions</sup>, or bar-  
 25 riers to (or other distortions of) international trade, the con-



1   tinuance of United States duty-free or excise treatment,  
 2   or the imposition of additional duties, ~~(124)~~*import restric-*  
 3   *tion, or barrier to (or other distortion of) international trade,*  
 4   with respect to any article only after he has received a sum-  
 5   mary of the hearings at which an opportunity to be heard  
 6   with respect to such article has been afforded under section  
 7   133. ~~(125)~~*In addition, the President may make such an*  
 8   *offer only after he has received advice concerning such article*  
 9   *from the Tariff Commission under section 131(b), or after*  
 10   *the expiration of the relevant 6-month period provided for*  
 11   *in that section, whichever first occurs. In addition, the Presi-*  
 12   *dent may make an offer for the modification or continuance*  
 13   *of any United States duty, the continuance of United States*  
 14   *duty-free or excise treatment, or the imposition of additional*  
 15   *duties, with respect to any article included in a list published*  
 16   *and furnished under section 131(a), only after he has re-*  
 17   *ceived advice concerning such article from the International*  
 18   *Trade Commission under section 131(b), or after the expira-*  
 19   *tion of the 6-month or 90-day period provided for in that*  
 20   *section, as appropriate, whichever first occurs.*

21   **SEC. 135. ADVICE FROM PRIVATE SECTOR.**

22       (a) The President, in accordance with the provisions of  
 23   this section, shall seek information and advice from repre-  
 24   sentative elements of the private sector with respect to nego-

1 tiating objectives and bargaining positions before entering  
2 into a trade agreement referred to in section 101 or 102.

3 (b) (1) The President shall establish an Advisory Com-  
4 mittee for Trade Negotiations to provide overall policy advice  
5 on any trade agreement referred to in section 101 or 102.  
6 The Committee shall be composed of not more than 45 in-  
7 dividuals, and shall include representatives of government,  
8 labor, industry, agriculture, ~~(126)~~*small business, service in-*  
9 *dustries, retailers*, consumer interests, and the general public.

10 (2) The Committee shall meet at the call of the Special  
11 Representative for Trade Negotiations, who shall be the  
12 Chairman. The Committee shall terminate ~~(127)~~*at the expira-*  
13 *tion of 5 years from the date of the enactment of this Act upon*  
14 *submission of its report required under subsection (e)(2).*  
15 Members of the Committee shall be appointed by the Presi-  
16 dent for a period of 2 years and may be reappointed for one  
17 or more additional periods.

18 (3) The Special Representative for Trade Negotiations  
19 shall make available to the Committee such staff, information,  
20 personnel, and administrative services and assistance as it  
21 may reasonably require to carry out its activities.

22 ~~(128)~~*(c) (1) The President may, on his own initiative or at*  
23 *the request of organizations representing industry, labor, or*  
24 *agriculture, establish general policy advisory committees for*

1 *industry, labor, and agriculture, respectively, to provide gen-*  
 2 *eral policy advice on any trade agreement referred to in*  
 3 *section 101 or 102. Such committees shall, insofar as prac-*  
 4 *ticable, be representative of all industry, labor, or agricul-*  
 5 *tural interests, (including small business interests), respective-*  
 6 *ly, and shall be organized by the President acting through the*  
 7 *Special Representative for Trade Negotiations and the Secre-*  
 8 *taries of Commerce, Labor, and Agriculture, as appropriate.*  
 9 ~~(129)(c)~~ In addition to the Committee established under sub-  
 10 ~~section (b)~~, the (2) The President shall, on his own initiative  
 11 or at the request of organizations in a particular ~~(130)product~~  
 12 sector, establish such industry, labor, or agricultural ~~(131)~~  
 13 sector advisory committees as he determines to be necessary for  
 14 any trade negotiations referred to in section 101 or 102. Such  
 15 committees shall, so far as practicable, be representative of all  
 16 industry, labor, or agricultural interests ~~(132)~~*including small*  
 17 *business interests* in the sector concerned. In organizing such  
 18 committees the President, acting through the Special Repre-  
 19 sentative for Trade Negotiations and the Secretary of Com-  
 20 merce, Labor, or Agriculture, as appropriate, ~~(133)(1)~~(A)  
 21 shall consult with interested private organizations, and ~~(134)~~  
 22 ~~(2)~~(B) shall take into account such factors as patterns of ac-  
 23 tual and potential competition between United States industry  
 24 and agriculture and foreign enterprise in international trade,  
 25 the character of the nontariff barriers and other distortions

1 affecting such competition, the necessity for reasonable limits  
2 on the number of such product sector advisory committees, the  
3 necessity that each committee be reasonably limited in size,  
4 and that the product lines covered by each committee be  
5 reasonably related.

6 (d) Committees established pursuant to subsection (c)  
7 shall meet at the call of the Special Representative for Trade  
8 Negotiations, before and during any trade negotiations, to  
9 provide the following:

10 (1) policy advice on negotiations;

11 (2) technical advice and information on negotia-  
12 tions on particular products both domestic and foreign;  
13 and

14 (3) advice on other factors relevant to positions of  
15 the United States in trade negotiations.

16 **(135)** *Representatives from each committee established under*  
17 *subsection (c) shall participate directly in any negotiation of*  
18 *any trade agreement referred to in section 101 or 102 to the*  
19 *same extent as a representative of a comparable committee or*  
20 *sector participates in such negotiations on behalf of any foreign*  
21 *country or instrumentality.*

22 **(136)(e)(1)** *The Advisory Committee for Trade Negotia-*  
23 *tions, each appropriate policy advisory committee, and each*  
24 *sector advisory committee, if the sector which such committee*  
25 *represents is affected, shall meet at the conclusion of nego-*  
26 *tiations for each trade agreement entered into under this Act,*

1 to provide to the President, to Congress, and to the Special  
2 Representative for Trade Negotiations a report on such  
3 agreement. The report of the Advisory Committee for Trade  
4 Negotiations and each appropriate policy advisory committee  
5 shall include an advisory opinion as to whether and to what  
6 extent the agreement promotes the economic interests of the  
7 United States and the report of the appropriate sector com-  
8 mittee shall include an advisory opinion as to whether the  
9 agreement provides for equity and reciprocity within the  
10 sector.

11 (2) The Advisory Committee for Trade Negotiations,  
12 each policy advisory committee, and each sector advisory  
13 committee shall issue a report to the Congress as soon as is  
14 practical after the end of the period which ends 5 years after  
15 the date of enactment of this Act. The report of the Advisory  
16 Committee for Trade Negotiations and each policy advisory  
17 committee shall include an advisory opinion as to whether and  
18 to what extent trade agreements entered into under this Act,  
19 taken as a whole, serve the economic interests of the United  
20 States. The report of each sector advisory committee shall  
21 include an advisory opinion on the degree to which trade  
22 agreements entered into under this Act which affect the  
23 sector represented by each such committee, taken as a whole,  
24 provide for equity and reciprocity within that sector.

25 (137)(e)(f) The provisions of the Federal Advisory Com-  
26 mittee Act (Public Law 92-463) shall apply—

1 (1) to the Advisory Committee for Trade Negotia-  
2 tions established pursuant to subsection (b) ; and

3 (2) to all other advisory committees which may be  
4 established pursuant to subsection (c) ; except that the  
5 meetings of advisory groups established under subsection  
6 (c) shall be exempt from the requirements of subsections  
7 (a) and (b) of section 10(138)and section 11 of the  
8 Federal Advisory Committee Act (relating to open  
9 meetings, public notice, public participation, and public  
10 availability of documents), whenever and to the extent  
11 it is determined by the President or his designee that such  
12 meetings will be concerned with matters the disclosure of  
13 which would seriously compromise the Government's  
14 negotiating objectives or bargaining positions on the  
15 negotiation of any trade agreement.

16 (139)(f) ~~Information received in confidence by the Adv-~~  
17 ~~sory Committee for Trade Negotiations or by any advisory~~  
18 ~~committee established under subsection (e) shall not be dis-~~  
19 ~~closed to any person other than to officers or employees of the~~  
20 ~~United States designated by the Special Representative for~~  
21 ~~Trade Negotiations, by the Committee on Ways and Means~~  
22 ~~of the House of Representatives, or by the Committee on~~  
23 ~~Finance of the Senate to receive such information for use in~~  
24 ~~connection with negotiation of a trade agreement referred to~~  
25 ~~in section 101 or 102.~~

1       (g)(1)(A) Trade secrets and commercial or financial  
2 information which is privileged or confidential, submitted in  
3 confidence by the private sector to officers or employees of the  
4 United States in connection with trade negotiations, shall not  
5 be disclosed to any person other than to—

6           (i) officers and employees of the United States  
7 designated by the Special Representative for Trade  
8 Negotiations, and

9           (ii) members of the Committee on Ways and Means  
10 of the House of Representatives and the Committee on  
11 Finance of the Senate who are accredited as official  
12 advisers under section 161(a) or are designated by the  
13 chairman of either such committee under section 161(b)  
14 (2), and members of the staff of either such committee  
15 designated by the chairman under section 161(b)(2),  
16 for use in connection with negotiation of a trade agreement  
17 referred to in section 101 or 102.

18       (B) Information, other than that described in para-  
19 graph (A), and advice submitted in confidence by the private  
20 sector to officers or employees of the United States, to the  
21 Advisory Committee for Trade Negotiations or to any ad-  
22 visory committee established under subsection (c), in connec-  
23 tion with trade negotiations, shall not be disclosed to any  
24 person other than—

25           (i) the individuals described in subparagraph (A),  
26 and

1           (ii) the appropriate advisory committees established  
2           under this section.

3           (2) Information submitted in confidence by officers or  
4 employees of the United States to the Advisory Committee  
5 for Trade Negotiations, or to any advisory committee estab-  
6 lished under subsection (c), shall not be disclosed other than  
7 in accordance with rules issued by the Special Representative  
8 for Trade Negotiations and the Secretary of Commerce,  
9 Labor or Agriculture, as appropriate, after consultation  
10 with the relevant advisory committees established under sub-  
11 section (c). Such rules shall define the categories of informa-  
12 tion which require restricted or confidential handling by such  
13 committee considering the extent to which public disclosure  
14 of such information can reasonably be expected to prejudice  
15 United States negotiating objectives. Such rules shall, to the  
16 maximum extent feasible, permit meaningful consultations  
17 by advisory committee members with persons affected by  
18 proposed trade agreements.

19 ~~(140)(g)~~ (h) The Special Representative for Trade Negotia-  
20 tions, and the Secretary of Commerce, Labor, or Agriculture,  
21 as appropriate, shall provide such staff, information, person-  
22 nel, and administrative services and assistance to advisory  
23 committees established pursuant to subsection (c) as such  
24 committees may reasonably require to carry out their  
25 activities.



1 ~~(141)(h)~~ (i) It shall be the responsibility of the Special Rep-  
2 resentative for Trade Negotiations, in conjunction with the  
3 Secretary of Commerce, Labor, or Agriculture, as appro-  
4 priate, to adopt procedures for consultation with and ob-  
5 taining information and advice from the advisory committees  
6 established pursuant to subsection (c) on a continuing and  
7 timely basis, both during preparation for negotiations and  
8 actual negotiations. Such consultation shall include the pro-  
9 vision of information to each advisory committee as to (1)  
10 significant issues and developments arising in preparation  
11 for or in the course of such negotiations, and (2) overall  
12 negotiating objectives and positions of the United States and  
13 other parties to the negotiations. The Special Representative  
14 for Trade Negotiations shall not be bound by the advice or  
15 recommendations of such advisory committees but the Special  
16 Representative for Trade Negotiations shall inform the ad-  
17 visory committees of failures to accept such advice or recom-  
18 mendations, and the President shall include in his statement  
19 to the Congress, required by section 163, a report by the  
20 Special Representative for Trade Negotiations on consulta-  
21 tion with such committees, issues involved in such consulta-  
22 tion, and the reasons for not accepting advice or recom-  
23 mendations.

24 ~~(142)(i)~~ (j) In addition to any advisory committee  
25 established pursuant to this section, the President shall pro-  
26 vide adequately, timely, and continuing opportunity for the

1 submission on an informal (143) *and, if such information is*  
 2 *submitted under the provisions of subsection (g), confidential*  
 3 *basis by private organizations or groups, representing labor,*  
 4 *industry, agriculture, (144) *small business, service industries,**  
 5 *consumer interests, and others, of statistics, data, and other*  
 6 *trade information, as well as policy recommendations, per-*  
 7 *tinent to the negotiation of any trade agreement referred to*  
 8 *in section 101 or 102.*

9 (145) ~~(j) Nothing contained in this section shall be con-~~  
 10 ~~strued to authorize or permit any individual to participate~~  
 11 ~~directly in any negotiation of any trade agreement referred~~  
 12 ~~to in section 101 or 102.~~

## 13 CHAPTER 4—OFFICE OF THE SPECIAL REP- 14 RESENTATIVE FOR TRADE NEGOTIA- 15 TIONS

### 16 SEC. 141. OFFICE OF THE SPECIAL REPRESENTATIVE FOR 17 TRADE NEGOTIATIONS.

18 (a) There is establish (146) *within the Executive Office*  
 19 *of the President the Office of the Special Representative for*  
 20 *Trade Negotiations (hereinafter in this section referred to*  
 21 *as the "Office").*

22 (b) (1) The Office shall be headed by the Special Rep-  
 23 resentative for Trade Negotiations who shall be appointed  
 24 by the President, by and with the advice and consent of  
 25 the Senate. (147) *As an exercise of the rulemaking power of*  
 26 *the Senate, any nomination of the Special Representative for*

1 *Trade Negotiations submitted to the Senate for confirmation,*  
 2 *and referred to a committee, shall be referred to the Commit-*  
 3 *tee on Finance.* The Special Representative for Trade Nego-  
 4 *tiations shall hold office at the pleasure of the President, shall*  
 5 *be entitled to receive the same (148) ~~compensation and al-~~*  
 6 *lowances as a chief of mission, and shall have the rank of*  
 7 *Ambassador Extraordinary and Plenipotentiary.*

8 (2) There shall be in the Office two Deputy Special  
 9 Representatives for Trade Negotiations who shall be ap-  
 10 pointed by the President, by and with the advice and con-  
 11 sent of the Senate. (149) *As an exercise of the rulemaking*  
 12 *power of the Senate, any nomination of a Deputy Special*  
 13 *Representative submitted to the Senate for confirmation, and*  
 14 *referred to a committee, shall be referred to the Committee on*  
 15 *Finance.* Each Deputy Special Representative for Trade  
 16 Negotiations shall hold office at the pleasure of the President  
 17 and shall have the rank of Ambassador.

18 (150) (3) (A) *Section 5312 of title 5, United States Code,*  
 19 *is amended by adding at the end thereof the following new*  
 20 *paragraph:*

21 “(13) *Special Representative for Trade Negotia-*  
 22 *tions.*”

23 (B) *Section 5314 of such title is amended by adding at*  
 24 *the end thereof the following new paragraph:*

25 “(60) *Deputy Special Representatives for Trade*  
 26 *Negotiations (2).*”

1 (c) (1) The Special Representative for Trade Negotia-  
2 tions shall—

3 (A) be the chief representative of the United States  
4 for each trade negotiation under this title or section 301;  
5 ~~(151)(B) be responsible to the President and to Con-~~  
6 ~~gress for the administration of trade agreements pro-~~  
7 ~~grams under this Act and the Trade Expansion Act of~~  
8 ~~1962;~~

9 *(B) report directly to the President and the Con-*  
10 *gress, and be responsible to the President and the*  
11 *Congress for the administration of trade agreements*  
12 *programs under this Act, the Trade Expansion Act of*  
13 *1962, and section 350 of the Tariff Act of 1930;*

14 (C) advise the President and Congress with respect  
15 to nontariff barriers to international trade, international  
16 commodity agreements, and other matters which are re-  
17 lated to the trade agreements programs;

18 (D) be responsible for making reports to Congress  
19 with respect to the matter set forth in subparagraphs  
20 (A) and (B) ;

21 (E) be chairman of the interagency trade organiza-  
22 tion established pursuant to section 242 (a) of the Trade  
23 Expansion Act of 1962; and

24 (F) be responsible for such other functions as the  
25 President may direct.

1       (2) Each Deputy Special Representative for Trade  
2 Negotiation shall have as his principal function the conduct  
3 of trade negotiations under this Act and shall have such  
4 other functions as the Special Representative for Trade  
5 Negotiations may direct.

6       (d) The Special Representative for Trade Negotiations  
7 may, for the purpose of carrying out his functions under this  
8 section—

9           (1) subject to the civil service and classification  
10 laws, select, appoint, employ, and fix the compensation  
11 of such officers and employees as are necessary and  
12 prescribe their authority and duties;

13           (2) employ experts and consultants in accordance  
14 with section 3109 of title 5, United States Code, and  
15 compensate individuals so employed for each day (in-  
16 cluding traveltime) at rates not in excess of the maxi-  
17 mum rate of pay for grade GS-18 as provided in section  
18 5332 of title 5, United States Code, and while such  
19 experts and consultants are so serving away from their  
20 homes or regular place of business, to pay such em-  
21 ployees travel expenses and per diem in lieu of sub-  
22 sistence at rates authorized by section 5703 of title 5,  
23 United States Code, for persons in Government service  
24 employed intermittently;

25           (3) promulgate such rules and regulations as may  
26 be necessary to carry out the functions vested in him;

1           (4) utilize, with their consent, the services, per-  
2           sonnel, and facilities of other Federal agencies;

3           (5) enter into and perform such contracts, leases,  
4           cooperative agreements, or other transactions as may  
5           be necessary in the conduct of the work of the Office  
6           and on such terms as the Special Representative for  
7           Trade Negotiations may deem appropriate, with any  
8           agency or instrumentality of the United States, or with  
9           any public or private person, firm, association, corpo-  
10          ration, or institution;

11          (6) accept voluntary and uncompensated services,  
12          notwithstanding the provisions of section ~~(152)665(b)~~  
13          of title 31, United States Code 3679(b) of the Revised  
14          Statutes (31 U.S.C. 665(b)); and

15          (7) adopt an official seal, which shall be judicially  
16          noticed.

17          (e) The Special Representative for Trade Negotiations  
18          shall, to the extent he deems it necessary for the proper  
19          administration and execution of the trade agreements pro-  
20          grams of the United States, draw upon the resources of,  
21          and consult with, Federal agencies in connection with the  
22          performance of his functions.

23          (153)(f) *There are authorized to be appropriated to the Of-*  
24          *fice of Special Representative for Trade Negotiations such*  
25          *amounts as may be necessary for the purpose of carrying out*  
26          *its functions for fiscal year 1976 and each fiscal year there-*

1 after any part of which is within the 5-year period begin-  
 2 ning on the date of the enactment of this Act.

3 **(154)(g)(1)** *The Office of Special Representative for*  
 4 *Trade Negotiations established under Executive Order No.*  
 5 *11075 of January 15, 1963, as amended, is abolished.*

6 (2) *The assets, liabilities, contracts, property, and*  
 7 *records and unexpended balances of appropriations, au-*  
 8 *thorizations, allocations, and other funds employed, held,*  
 9 *used, arising from, or available to such Office are transferred*  
 10 *to the Office of Special Representative for Trade Negotia-*  
 11 *tions established under subsection (a) of this section.*

12 **(155)(f)(h)** (1) Any individual who holds the position of  
 13 Special Representative for Trade Negotiations or a position as  
 14 Deputy Special Representative for Trade Negotiations on  
 15 the day before the date of enactment of this Act and who  
 16 has been **(156)confirmed** appointed by and with the advice  
 17 and consent of the Senate may continue to hold such  
 18 position without regard to the first sentence of paragraph (1)  
 19 **(157)** of subsection (b), or the first sentence of paragraph  
 20 (2) of subsection (b), as the case may be.

21 (2) All personnel who on the day before the date  
 22 of the enactment of this Act are employed by the Office  
 23 of the Special Representative for Trade Negotiations estab-  
 24 lished by Executive Order No. 11075 of January 15, 1963,  
 25 as amended, are hereby transferred to the Office.

1 **CHAPTER 5—CONGRESSIONAL (158)DISAP-**  
 2 **PROVAL PROCEDURES WITH RESPECT**  
 3 **TO PRESIDENTIAL ACTIONS**

4 **(159)SEC. 151 BILLS IMPLEMENTING TRADE AGREE-**  
 5 **MENTS ON NONTARIFF BARRIERS AND**  
 6 **RESOLUTIONS APPROVING COMMER-**  
 7 **CIAL AGREEMENTS WITH COMMUNIST**  
 8 **COUNTRIES.**

9 **(a) RULES OF HOUSE OF REPRESENTATIVES AND**  
 10 **SENATE.—***This section and sections 152 and 153 are enacted*  
 11 *by the Congress—*

12 *(1) as an exercise of the rulemaking power of the*  
 13 *House of Representatives and the Senate, respectively,*  
 14 *and as such they are deemed a part of the rules of each*  
 15 *House, respectively, but applicable only with respect to*  
 16 *the procedure to be followed in that House in the case*  
 17 *of implementing bills described in subsection (b)(1),*  
 18 *implementing revenue bills described in subsection (b)*  
 19 *(2), approval resolutions described in subsection (b)(3),*  
 20 *negotiation approval resolutions described in subsection*  
 21 *(b)(4), export disapproval resolution described in sub-*  
 22 *section (b)(5), and resolutions described in subsections*  
 23 *152(a) and 153(a); and they supersede other rules only*  
 24 *to the extent that they are inconsistent therewith; and*

25 *(2) with full recognition of the constitutional right*  
 26 *of either House to change the rules (so far as relating to*



1     *the procedure of that House) at any time, in the same*  
2     *manner and to the same extent as in the case of any other*  
3     *rule of that House.*

4     **(b) DEFINITIONS.**—*For purposes of this section—*

5         **(1)** *The term “implementing bill” means only a*  
6     *bill of either House of Congress which is introduced as*  
7     *provided in subsection (c) with respect to one or more*  
8     *trade agreements submitted to the House of Representa-*  
9     *tives and the Senate under section 102 and which con-*  
10    *tains—*

11         **(A)** *a provision approving such trade agree-*  
12         *ment or agreements,*

13         **(B)** *a provision approving the statement of*  
14         *administrative action (if any) proposed to imple-*  
15         *ment such trade agreement or agreements, and*

16         **(C)** *if changes in existing laws or new statutory*  
17         *authority is required to implement such trade agree-*  
18         *ment or agreements, provisions, necessary or appro-*  
19         *priate to implement such trade agreement or agree-*  
20         *ments, either repealing or amending existing laws*  
21         *or providing new statutory authority.*

22         **(2)** *The term “implementing revenue bill” means an*  
23     *implementing bill which contains one or more revenue*  
24     *measures by reason of which it must originate in the*  
25     *House of Representatives.*

1           (3) The term "approval resolution" means only a  
2           concurrent resolution of the two Houses of the Congress,  
3           the matter after the resolving clause of which is as fol-  
4           lows: "That the Congress approves the extension of non-  
5           discriminatory treatment with respect to the products of  
6           \_\_\_\_\_ transmitted by the President to the Congress  
7           on \_\_\_\_\_.", the first blank space being filled with the  
8           name of the country involved and the second blank space  
9           being filled with the appropriate date.

10          (4) The term "negotiation approval resolution"  
11          means only a concurrent resolution of the two Houses  
12          of the Congress, the matter after the resolving clause of  
13          which is as follows: "That the Congress approves the  
14          negotiation of the following subject matter area of United  
15          States law and administrative practice \_\_\_\_\_ as  
16          stated in the report transmitted by the President to the  
17          Congress on \_\_\_\_\_ .", the first blank space filled  
18          with the subject matter area involved and the second  
19          blank space being filled with the appropriate date.

20          (5) The term "export disapproval resolution" means  
21          only a concurrent resolution of the two Houses of the  
22          Congress, the matter after the resolving clause of which  
23          is as follows: "That the Congress disapproves the deter-  
24          mination of the East-West Foreign Trade Board with  
25          respect to the following proposed provision of credits or

1 investment guarantees or export of technology ————  
 2 as stated in the report transmitted by the Board to the  
 3 Congress on ————.”, the first blank space being  
 4 filled in with the proposed provision of credits or guaran-  
 5 tees or export of technology involved and the second  
 6 blank being filled in with the appropriate date.

7 (c) INTRODUCTION AND REFERRAL.—

8 (1) On the day on which a trade agreement is sub-  
 9 mitted to the House of Representatives and the Senate  
 10 under section 102, the implementing bill submitted by  
 11 the President with respect to such trade agreement shall  
 12 be introduced (by request) in the House by the majority  
 13 leader of the House, for himself and the minority leader  
 14 of the House, or by Members of the House designated by  
 15 the majority leader and minority leader of the House;  
 16 and shall be introduced (by request) in the Senate by  
 17 the majority leader of the Senate, for himself and the  
 18 minority leader of the Senate, or by Members of the Sen-  
 19 ate designated by the majority leader and minority leader  
 20 of the Senate. If either House is not in session on the day  
 21 on which such a trade agreement is submitted, the imple-  
 22 menting bill shall be introduced in that House, as pro-  
 23 vided in the preceding sentence, on the first day thereafter  
 24 on which that House is in session. Such bills shall be re-  
 25 ferred by the Presiding Officers of the respective Houses

1        *to the appropriate committee, or, in the case of a bill con-*  
2        *taining provisions within the jurisdiction of two or more*  
3        *committees, jointly to such committees for consideration*  
4        *of those provisions within their respective jurisdictions.*

5        (2) *On the day on which a bilateral commercial*  
6        *agreement, entered into under title IV of this Act after*  
7        *the date of the enactment of this Act, is transmitted to the*  
8        *House of Representatives and the Senate, an approval*  
9        *resolution with respect to such agreement shall be in-*  
10       *troduced (by request) in the House by the majority*  
11       *leader of the House, for himself and the minority leader*  
12       *of the House, or by Members of the House designated by*  
13       *the majority leader and minority leader of the House;*  
14       *and shall be introduced (by request) in the Senate by the*  
15       *majority leader of the Senate, for himself and the minor-*  
16       *ity leader of the Senate, or by Members of the Senate*  
17       *designated by the majority leader and minority leader*  
18       *of the Senate. If either House is not in session on the day*  
19       *on which such an agreement is transmitted, the approval*  
20       *resolution with respect to such agreement shall be in-*  
21       *troduced in that House, as provided in the preceding*  
22       *sentence, on the first day thereafter on which that House*  
23       *is in session. The approval resolution introduced in the*  
24       *House shall be referred to the Committee on Ways and*  
25       *Means and the approval resolution introduced in the*

1       *Senate shall be referred to the Committee on Finance.*

2           (3) *On the day on which a proposed subject matter*  
3       *report is transmitted to the House of Representatives and*  
4       *the Senate under section 102(b) (2), a negotiations ap-*  
5       *proval resolution with respect to such report shall be in-*  
6       *troduced (by request) in the House by the majority leader*  
7       *of the House, for himself and the minority leader of the*  
8       *House, or by Members of the House designated by the*  
9       *majority leader and minority leader of the House; and*  
10       *shall be introduced (by request) in the Senate by the*  
11       *majority leader of the Senate, for himself and the minor-*  
12       *ity leader of the Senate, or by Members of the Senate*  
13       *designated by the majority leader and the minority leader*  
14       *of the Senate. If either House is not in session on the day*  
15       *on which such a report is transmitted, the negotiation*  
16       *approval resolution with respect to such agreement shall*  
17       *be introduced in that House, as provided in the preceding*  
18       *sentence, on the first day thereafter on which that House*  
19       *is in session. The negotiation approval resolution intro-*  
20       *duced in the House shall be referred to the Committee on*  
21       *Ways and Means and the negotiation approval resolu-*  
22       *tion introduced in the Senate shall be referred to the*  
23       *Committee on Finance.*

24           (4) *On the day on which an East-West Foreign*  
25       *Trade Board determination report is transmitted to the*

1     *House of Representatives and the Senate under section*  
2     *410(c)(4), an export disapproval resolution, if re-*  
3     *quired under section 410(d)(1), with respect to such*  
4     *report shall be introduced (by request) in the House by*  
5     *the majority leader of the House, for himself and the*  
6     *minority leader of the House, or by Members of the*  
7     *House designated by the majority leader and minority*  
8     *leader of the House; and shall be introduced (by re-*  
9     *quest) in the Senate by the majority leader of the Sen-*  
10    *ate, for himself and the minority leader of the Senate, or*  
11    *by Members of the Senate designated by the majority*  
12    *leader and the minority leader of the Senate. If either*  
13    *House is not in session on the day on which such a*  
14    *report is transmitted, the export disapproval resolution*  
15    *with respect to such report shall be introduced in that*  
16    *House, as provided in the preceding sentence, on the*  
17    *first day thereafter on which that House is in session.*  
18    *The export disapproval resolution introduced in the*  
19    *House shall be referred to the Committee on Ways and*  
20    *Means and the export disapproval resolution introduced*  
21    *in the Senate shall be referred to the Committee on*  
22    *Finance.*

23    (d) *AMENDMENTS PROHIBITED.*—*No amendment to an*  
24    *implementing bill, approval resolution, negotiation approval*  
25    *resolution, or export disapproval resolution shall be in order*

1 *in either the House of Representatives or the Senate; and no*  
 2 *motion to suspend the application of this subsection shall*  
 3 *be in order in either House, nor shall it be in order in either*  
 4 *House for the Presiding Officer to entertain a request to*  
 5 *suspend the application of this subsection by unanimous*  
 6 *consent.*

7       *(e) PERIOD FOR COMMITTEE AND FLOOR CONSIDERA-*  
 8 *TION.—*

9           *(1) Except as provided in paragraph (2), if the*  
 10 *committee or committees of either House to which an im-*  
 11 *plementing bill, approval resolution, negotiation approval*  
 12 *resolution, or export disapproval resolution has been re-*  
 13 *ferred have not reported it at the close of the 45th day*  
 14 *after its introduction, such committee or committees*  
 15 *shall be automatically discharged from further con-*  
 16 *sideration of the bill or resolution and it shall be placed*  
 17 *on the appropriate calendar. A vote on final passage of*  
 18 *the bill or resolution shall be taken in each House on or*  
 19 *before the close of the 15th day after the bill or resolu-*  
 20 *tion is reported by the committee or committees of that*  
 21 *House to which it was referred, or after such committee*  
 22 *or committees have been discharged from further con-*  
 23 *sideration of the bill or resolution. If prior to the pas-*  
 24 *sage by one House of an implementing bill, approval re-*  
 25 *solution, negotiation approval resolution, or export dis-*

1       *approval resolution of that House, that House receives*  
2       *the same implementing bill, approval resolution, nego-*  
3       *tiation approval resolution, or export disapproval resolu-*  
4       *tion from the other House, then—*

5               *(A) the procedure in that House shall be*  
6       *the same as if no implementing bill, approval*  
7       *resolution, negotiation approval resolution, or export*  
8       *disapproval resolution had been received from the*  
9       *other House; but*

10              *(B) the vote on final passage shall be on the*  
11       *implementing bill, approval resolution, negotiation*  
12       *approval resolution, or export disapproval resolu-*  
13       *tion of the other House.*

14              *(2) The provisions of paragraph (1) shall not*  
15       *apply in the Senate to an implementing revenue bill.*  
16       *An implementing revenue bill received from the House*  
17       *shall be referred to the appropriate committee or com-*  
18       *mittees of the Senate. If such committee or committees*  
19       *have not reported such bill at the close of the 15th day*  
20       *after its receipt by the Senate (or, if later, before the close*  
21       *of the 45th day after the corresponding implementing*  
22       *revenue bill was introduced in the Senate), such com-*  
23       *mittee or committees shall be automatically discharged*  
24       *from further consideration of such bill and it shall be*  
25       *placed on the calendar. A vote on final passage of such*



1 *bill shall be taken in the Senate on or before the close of*  
 2 *the 15th day after such bill is reported by the committee*  
 3 *or committees of the Senate to which it was referred, or*  
 4 *after such committee or committees have been discharged*  
 5 *from further consideration of such bill.*

6 (3) *For purposes of paragraphs (1) and (2), in*  
 7 *computing a number of days in either House, there shall*  
 8 *be excluded any day on which that House is not in*  
 9 *session.*

10 (f) *FLOOR CONSIDERATION IN THE HOUSE.—*

11 (1) *A motion in the House of Representatives to*  
 12 *proceed to the consideration of an implementing bill,*  
 13 *approval resolution, negotiation approval resolution, or*  
 14 *export disapproval resolution shall be highly privileged*  
 15 *and not debatable. An amendment to the motion shall not*  
 16 *be in order, nor shall it be in order to move to reconsider*  
 17 *the vote by which the motion is agreed to or disagreed to.*

18 (2) *Debate in the House of Representatives on an*  
 19 *implementing bill, approval resolution, negotiation ap-*  
 20 *proval resolution, or export disapproval resolution shall*  
 21 *be limited to not more than 20 hours, which shall be di-*  
 22 *vided equally between those favoring and those opposing*  
 23 *the bill or resolution. A motion further to limit debate*  
 24 *shall not be debatable. It shall not be in order to move to*  
 25 *recommit an implementing bill, approval resolution, ne-*

1      *gotiation approval resolution, or export disapproval res-*  
 2      *olution or to move to reconsider the vote by which an*  
 3      *implementing bill, approval resolution, negotiation ap-*  
 4      *proval resolution, or export disapproval resolution is*  
 5      *agreed to or disagreed to.*

6      *(3) Motions to postpone, made in the House of Rep-*  
 7      *resentatives with respect to the consideration of an*  
 8      *implementing bill, approval resolution, negotiation ap-*  
 9      *proval resolution, or export disapproval resolution, and*  
 10     *motions to proceed to the consideration of other business,*  
 11     *shall be decided without debate.*

12     *(4) All appeals from the decisions of the Chair*  
 13     *relating to the application of the Rules of the House of*  
 14     *Representatives to the procedure relating to an imple-*  
 15     *menting bill, approval resolution, negotiation approval*  
 16     *resolution, or export disapproval resolution shall be*  
 17     *decided without debate.*

18     *(5) Except to the extent specifically provided in*  
 19     *the preceding provisions of this subsection, considera-*  
 20     *tion of an implementing bill, approval resolution, nego-*  
 21     *tiation approval resolution, or export disapproval resolu-*  
 22     *tion shall be governed by the Rules of the House of*  
 23     *Representatives applicable to other bills and resolutions*  
 24     *in similar circumstances.*

25     *(g) FLOOR CONSIDERATION IN THE SENATE.—*

1           (1) *A motion in the Senate to proceed to the con-*  
2           *sideration of an implementing bill, approval resolution,*  
3           *negotiation approval resolution, or export disapproval*  
4           *resolution shall be privileged and not debatable. An*  
5           *amendment to the motion shall not be in order, nor shall*  
6           *it be in order to move to reconsider the vote by which*  
7           *the motion is agreed to or disagreed to.*

8           (2) *Debate in the Senate on an implementing bill,*  
9           *approval resolution, negotiation approval resolution, or*  
10          *export disapproval resolution, and all debatable motions*  
11          *and appeals in connection therewith, shall be limited to*  
12          *not more than 20 hours. The time shall be equally divided*  
13          *between, and controlled by, the majority leader and the*  
14          *minority leader or their designees.*

15          (3) *Debate in the Senate on any debatable motion*  
16          *or appeal in connection with an implementing bill, ap-*  
17          *proval resolution, negotiation approval resolution, or*  
18          *export disapproval resolution shall be limited to not more*  
19          *than 1 hour, to be equally divided between, and controlled*  
20          *by, the mover and the manager of the bill, except that in*  
21          *the event the manager of the bill is in favor of any such*  
22          *motion or appeal, the time in opposition thereto, shall be*  
23          *controlled by the minority leader or his designee. Such*  
24          *leaders, or either of them, may, from time under their*  
25          *control on the passage of an implementing bill, approval*

1     *resolution, negotiation approval resolution, or export dis-*  
 2     *approval resolution, allot additional time to any Sen-*  
 3     *ator during the consideration of any debatable motion or*  
 4     *appeal.*

5             *(4) A motion in the Senate to further limit debate*  
 6     *is not debatable. A motion to recommit an implementing*  
 7     *bill, approval resolution, negotiation approval resolu-*  
 8     *tion, or export disapproval resolution is not in order.*

9     **(160) SEC. 151. RESOLUTIONS DISAPPROVING THE EN-**  
 10                    **TERING INTO FORCE OF TRADE AGREE-**  
 11                    **MENTS ON DISTORTIONS OF TRADE OR**  
 12                    **DISAPPROVING CERTAIN OTHER AC-**  
 13                    **TIONS.**

14     **(a) RULES OF HOUSE OF REPRESENTATIVES AND SEN-**  
 15     **ATE ON SUCH RESOLUTIONS.**—This chapter is enacted by the  
 16     Congress—

17             **(1)** as an exercise of the rulemaking power of the  
 18     House of Representatives and the Senate, respectively;  
 19     and as such they are deemed a part of the rules of each  
 20     House, respectively, but applicable only with respect  
 21     to the procedure to be followed in that House in the  
 22     case of resolutions described in subsection (b); and  
 23     they supersede other rules only to the extent that they  
 24     are inconsistent therewith; and

~~(2)~~ with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

~~(b)~~ TERMS OF RESOLUTION.—

~~(1)~~ For purposes of this section, the term “resolution” means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: “That the \_\_\_\_\_ does not favor \_\_\_\_\_ transmitted to Congress by the President on \_\_\_\_\_”, the first blank space therein being filled with the name of the resolving House, the third blank space therein being appropriately filled with the day and year, and the second blank space therein being filled in accordance with paragraph ~~(2)~~.

~~(2)~~ The second blank space referred to in paragraph ~~(1)~~ shall be filled as follows:

~~(A)~~ in the case of a resolution relating to the entering into force of a trade agreement under section 102(f), with the phrase “the entering into force of the trade agreement”;

~~(B)~~ in the case of a resolution referred to in section 204(b), with the phrase “the taking effect

1           or the continuation in effect of the proposed action  
2           under paragraph ~~(3)~~ or ~~(4)~~ of section 203(b) of  
3           the Trade Reform Act of 1973”;

4           ~~(C)~~ in the case of a resolution referred to in  
5           section 302(b), with the phrase “the taking effect or  
6           the continuation in effect of action under section  
7           301 of the Trade Reform Act of 1973”; and

8           ~~(D)~~ in the case of a resolution referred to in  
9           section 406(e), with the phrase “the entering into  
10          force or the continuing in effect of nondiscriminatory  
11          treatment with respect to the products of \_\_\_\_\_”  
12          (with this blank space being filled by the name of  
13          the appropriate country).

14       ~~(e)~~ REFERENCE OF RESOLUTION TO COMMITTEE.—

15       A resolution disapproving the entering into force of a trade  
16       agreement under section 102(f) shall be referred to the com-  
17       mittee or committees of each House which would have juris-  
18       diction over proposed legislation relating to matters covered  
19       by the proclamation and orders submitted with such agree-  
20       ment. A resolution referred to in section 204(b), 302(b),  
21       or 406(e) shall be referred to the Committee on Ways  
22       and Means of the House of Representatives or to the Com-  
23       mittee on Finance of the Senate, as the case may be.

1     ~~(d) DISCHARGE OF COMMITTEE CONSIDERING RESO-~~  
 2     ~~LUTION.—~~

3             ~~(1) If the committee to which a resolution has~~  
 4     ~~been referred has not reported it at the end of 7 cal-~~  
 5     ~~endar days after its introduction, it is in order to move~~  
 6     ~~either to discharge the committee from further considera-~~  
 7     ~~tion of the resolution or to discharge the committee from~~  
 8     ~~further consideration of any other resolution with respect~~  
 9     ~~to the agreement which has been referred to the com-~~  
 10    ~~mittee.~~

11            ~~(2) A motion to discharge may be made only by~~  
 12    ~~an individual favoring the resolution, is highly privileged~~  
 13    ~~(except that it may not be made after the committee has~~  
 14    ~~reported as resolution with respect to the same matter),~~  
 15    ~~and debate thereon shall be limited to not more than 1~~  
 16    ~~hour, to be divided equally between those favoring and~~  
 17    ~~those opposing the resolution. An amendment to the~~  
 18    ~~motion is not in order, and it is not in order to move~~  
 19    ~~to reconsider the vote by which the motion is agreed to~~  
 20    ~~or disagreed to.~~

21            ~~(3) If the motion to discharge is agreed to or dis-~~  
 22    ~~agreed to, the motion may not be renewed, nor may~~  
 23    ~~another motion to discharge the committee be made~~  
 24    ~~with respect to any other resolution with respect to the~~  
 25    ~~same matter.~~

1       ~~(c)~~ PROCEDURE AFTER REPORT OR DISCHARGE OF  
2 COMMITTEE; DEBATE.—

3           ~~(1)~~ When the committee has reported, or has been  
4 discharged from further consideration of, a resolution,  
5 it is at any time thereafter in order ~~(even though a~~  
6 ~~previous motion to the same effect has been disagreed~~  
7 ~~to)~~ to move to proceed to the consideration of the  
8 resolution. The motion is highly privileged and is not  
9 debatable. An amendment to the motion is not in order,  
10 and it is not in order to move to reconsider the vote  
11 by which the motion is agreed to or disagreed to.

12           ~~(2)~~ Debate on the resolution shall be limited to  
13 not more than 10 hours, which shall be divided equally  
14 between those favoring and those opposing the resolu-  
15 tion. A motion further to limit debate is not debatable.  
16 An amendment to, or motion to recommit, the resolution  
17 is not in order, and it is not in order to move to  
18 reconsider the vote by which the resolution is agreed to  
19 or disagreed to.

20       ~~(f)~~ DECISIONS WITHOUT DEBATE ON MOTION TO  
21 POSTPONE OR PROCEED.—

22           ~~(1)~~ Motions to postpone, made with respect to the  
23 discharge from committee or the consideration of a  
24 resolution and motions to proceed to the consideration  
25 of other business, shall be decided without debate.



~~(2) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives or the Senate, as the case may be, to the procedure relating to any resolution shall be decided without debate.~~

**(161) SEC. 152. RESOLUTIONS DISAPPROVING CERTAIN ACTIONS.**

*(a) CONTENTS OF RESOLUTIONS.—*

*(1) For purposes of this section, the term "resolution" means only—*

*(A) a concurrent resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve \_\_\_\_\_ transmitted to the Congress on \_\_\_\_\_.", the first blank space being filled in accordance with paragraph (2) and the second blank space being filled with the appropriate date; and*

*(B) a resolution of either House of the Congress, the matter after the resolving clause of which is as follows: "That the \_\_\_\_\_ does not approve \_\_\_\_\_ transmitted to the Congress on \_\_\_\_\_.", with the first blank space being filled with the name of the resolving House, the second blank space being filled in accordance with para-*

1           graph (3), and the third blank space being filled  
2           with the appropriate date.

3           (2) The first blank space referred to in paragraph  
4           (1)(A) shall be filled as follows:

5                 (A) in the case of a resolution referred to in  
6                 section 203(c), with the phrase "the action taken  
7                 by the President under section 203 of the Trade Act  
8                 of 1974"; and

9                 (B) in the case of a resolution referred to in  
10                section 302(b), with the phrase "the action taken  
11                by the President under section 301 of the Trade  
12                Act of 1974".

13           (3) The second blank space referred to in paragraph  
14           (1)(B) shall be filled as follows:

15                 (A) in the case of a resolution referred to in  
16                 section 303(e) of the Tariff Act of 1930, with the  
17                 phrase "the determination of the Secretary of the  
18                 Treasury under section 303(d) of the Tariff Act  
19                 of 1930";

20                 (B) in the case of a resolution referred to in  
21                 section 407(c)(2), with the phrase "the exten-  
22                 sion of nondiscriminatory treatment with respect to  
23                 the products of \_\_\_\_\_" (with this blank space  
24                 being filled with the name of the country involved);  
25                 and

(C) in the case of a resolution referred to in section 407(c)(3), with the phrase "the report of the President submitted under section \_\_\_\_\_ of the Trade Act of 1974 with respect to \_\_\_\_\_" (with the first blank space being filled with "402(b)", "403(b)", "409(b)", or "411(b)", as appropriate, and the second blank space being filled with the name of the country involved).

(b) REFERENCE TO COMMITTEES.—All resolutions introduced in the House of Representatives shall be referred to the Committee on Ways and Means and all resolutions introduced in the Senate shall be referred to the Committee on Finance.

(c) DISCHARGE OF COMMITTEES.—

(1) If the committee of either House to which a resolution has been referred has not reported it at the end of 30 days after its introduction, not counting any day which is excluded under section 153(b), it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same matter, except no motion to discharge shall be in order after the committee has reported a resolution with respect to the same matter.

1           (2) *A motion to discharge under paragraph (1)*  
2     *may be made only by an individual favoring the resolu-*  
3     *tion, and is highly privileged in the House and privileged*  
4     *in the Senate; and debate thereon shall be limited to not*  
5     *more than 1 hour, the time to be divided in the House*  
6     *equally between those favoring and those opposing the*  
7     *resolution, and to be divided in the Senate equally*  
8     *between, and controlled by, the majority leader and the*  
9     *minority leader or their designees. An amendment to*  
10    *the motion is not in order, and it is not in order to*  
11    *move to reconsider the vote by which the motion is agreed*  
12    *to or disagreed to.*

13       (d) *FLOOR CONSIDERATION IN THE HOUSE.—*

14           (1) *A motion in the House of Representatives to*  
15    *proceed to the consideration of a resolution shall be*  
16    *highly privileged and not debatable. An amendment to*  
17    *the motion shall not be in order, nor shall it be in*  
18    *order to move to reconsider the vote by which the motion*  
19    *is agreed to or disagreed to.*

20           (2) *Debate in the House of Representatives on a*  
21    *resolution shall be limited to not more than 20 hours,*  
22    *which shall be divided equally between those favoring*  
23    *and those opposing the resolution. A motion further*  
24    *to limit debate shall not be debatable. No amendment*  
25    *to, or motion to recommit, the resolution shall be in*  
26    *order. It shall not be in order to move to reconsider*

1     *the vote by which a resolution is agreed to or disagreed*  
 2     *to.*

3           (3) *Motions to postpone, made in the House of*  
 4     *Representatives with respect to the consideration of a*  
 5     *resolution, and motions to proceed to the consideration*  
 6     *of other business, shall be decided without debate.*

7           (4) *All appeals from the decisions of the Chair*  
 8     *relating to the application of the Rules of the House*  
 9     *of Representatives to the procedure relating to a resolu-*  
 10    *tion shall be decided without debate.*

11          (5) *Except to the extent specifically provided in the*  
 12    *preceding provisions of this subsection, consideration of*  
 13    *a resolution in the House of Representatives shall be gov-*  
 14    *erned by the Rules of the House of Representatives appli-*  
 15    *cable to other resolutions in similar circumstances.*

16    (e) *FLOOR CONSIDERATION IN THE SENATE.—*

17          (1) *A motion in the Senate to proceed to the consid-*  
 18    *eration of a resolution shall be privileged. An amendment*  
 19    *to the motion shall not be in order, nor shall it be in*  
 20    *order to move to reconsider the vote by which the motion*  
 21    *is agreed to or disagreed to.*

22          (2) *Debate in the Senate on a resolution, and all*  
 23    *debatable motions and appeals in connection therewith,*  
 24    *shall be limited to not more than 20 hours, to be equally*  
 25    *divided between, and controlled by, the majority leader*  
 26    *and the minority leader or their designees.*

1           (3) *Debate in the Senate on any debatable motion*  
 2           *or appeal in connection with a resolution shall be limited*  
 3           *to not more than 1 hour, to be equally divided between,*  
 4           *and controlled by, the mover and the manager of the*  
 5           *resolution, except that in the event the manager of the*  
 6           *resolution is in favor of any such motion or appeal, the*  
 7           *time in opposition thereto, shall be controlled by the mi-*  
 8           *nority leader or his designee. Such leaders, or either of*  
 9           *them, may, from time under their control on the passage*  
 10          *of a resolution, allot additional time to any Senator*  
 11          *during the consideration of any debatable motion or*  
 12          *appeal.*

13          (4) *A motion in the Senate to further limit debate*  
 14          *on a resolution, debatable motion, or appeal is not de-*  
 15          *batable. No amendment to, or motion to recommit, a*  
 16          *resolution is in order in the Senate.*

17          (f) *SPECIAL RULE FOR CONCURRENT RESOLUTIONS.—*  
 18          *In the case of a resolution described in subsection (a)(1),*  
 19          *if prior to the passage by one House of a resolution of that*  
 20          *House, that House receives a resolution with respect to the*  
 21          *same matter from the other House, then—*

22               (1) *the procedure in that House shall be the same as*  
 23               *if no resolution had been received from the other House;*  
 24               *but*

25               (2) *the vote on final passage shall be on the resolu-*  
 26               *tion of the other House.*

1 **(162)SEC. 153. RESOLUTIONS RELATING TO EXTENSION**  
 2 **OF WAIVER AUTHORITY UNDER SEC-**  
 3 **TION 402.**

4 (a) *CONTENTS OF RESOLUTIONS.*—For purposes of  
 5 this section, the term “resolution” means only—

6 (1) *a concurrent resolution of the two Houses of*  
 7 *the Congress, the matter after the resolving clause of*  
 8 *which is as follows: “That the Congress approves the*  
 9 *extension of the authority contained in section 402(c)*  
 10 *(1) of the Trade Act of 1974 recommended by the*  
 11 *President to the Congress on \_\_\_\_\_, except*  
 12 *with respect to \_\_\_\_\_.”, with the first blank*  
 13 *space being filled with the appropriate date and the sec-*  
 14 *ond blank space being filled with the names of those*  
 15 *countries, if any, with respect to which such extension of*  
 16 *authority is not approved, and with the except clause*  
 17 *being omitted if there is no such country; and*

18 (2) *a resolution of either House of the Congress,*  
 19 *the matter after the resolving clause of which is as fol-*  
 20 *lows: “That the \_\_\_\_\_ does not approve the*  
 21 *extension of the authority contained in section 402(c)*  
 22 *of the Trade Act of 1974 recommended by the Presi-*  
 23 *dent to the Congress on \_\_\_\_\_ with respect to*  
 24 *\_\_\_\_\_.”, with the first blank space being filled*  
 25 *with the name of the resolving House, the second blank*  
 26 *space being filled with the appropriate date, and the*

1      *third blank space being filled with the names of those*  
 2      *countries, if any, with respect to which such extension of*  
 3      *authority is not approved, and with the with-respect-to*  
 4      *clause being omitted if the extension of the authority is*  
 5      *not approved with respect to any country.*

6      *(b) APPLICATION OF RULES OF SECTION 152; EX-*  
 7      *CEPTIONS.—*

8              *(1) Except as provided in this section, the provi-*  
 9              *sions of section 152 shall apply to resolutions described*  
 10             *in subsection (a).*

11             *(2) In applying section 152(c)(1), all calendar*  
 12             *days shall be counted, and, in the case of a resolution*  
 13             *related to section 402(d)(4), 20 calendar days shall be*  
 14             *substituted for 30 days.*

15             *(3) That part of section 152(d)(2) which pro-*  
 16             *vides that no amendment is in order shall not apply to*  
 17             *any amendment to a resolution which is limited to strik-*  
 18             *ing out or inserting the names of one or more countries*  
 19             *or to striking out or inserting an except clause, in the*  
 20             *case of a resolution described in subsection (a)(1), or*  
 21             *a with-respect-to clause, in the case of a resolution de-*  
 22             *scribed in subsection (a)(2). Debate in the House of*  
 23             *Representatives on any amendment to a resolution shall*  
 24             *be limited to not more than 1 hour which shall be*  
 25             *equally divided between those favoring and those oppos-*



ing the amendment. A motion in the House to further limit debate on an amendment to a resolution is not debatable.

(4) That part of section 152(e)(4) which provides that no amendment is in order shall not apply to any amendment to a resolution which is limited to striking out or inserting the names of one or more countries or to striking out or inserting an except clause, in the case of a resolution described in subsection (a)(1), or a with-respect-to clause, in the case of a resolution described in subsection (a)(2). The time limit on debate on a resolution in the Senate under section 152(e)(2) shall include all amendments to a resolution. Debate in the Senate on any amendment to a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such amendment, the time in opposition thereto shall be controlled by the minority leader or his designee. The majority leader and minority leader may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any amendment. A motion in the Senate to further limit debate on an amendment to a resolution is not debatable.

1       (c) *CONSIDERATION OF SECOND RESOLUTION NOT IN*  
2   *ORDER.—It shall not be in order in either the House of Repre-*  
3   *sentatives or the Senate to consider a resolution with respect*  
4   *to a recommendation of the President under section 402(d)*  
5   *(other than a resolution described in subsection (a)(1) re-*  
6   *ceived from the other House), if that House has adopted a*  
7   *resolution with respect to the same recommendation.*

8 SEC. (163)~~152~~. 154. SPECIAL RULES RELATING TO CON-  
9 GRESSIONAL (164)~~DISAPPROVAL~~  
10 PROCEDURES.

(a) Whenever, pursuant to section ~~(165)~~~~102(f)~~,  
~~204(b)~~, ~~302(b)~~, or ~~406 (a) and (b)~~, ~~102(e)~~, ~~203(b)~~,  
~~302(a)~~, ~~402(d)~~, or ~~407 (a) or (b)~~, or section ~~303(e)~~ of  
the *Tariff Act of 1930*, a document is required to be trans-  
mitted to the Congress, copies of such document shall be de-  
livered to both House of Congress on the same day and  
shall be delivered to the Clerk of the House of Representa-  
tives if the House is not in session and to the Secretary of  
the Senate if the Senate is not in session.

(b) For purposes of ~~(166)~~sections ~~102(f)(3), 204(b),~~  
~~302(b), and 406(e),~~ sections 203(c), 302(b), 407(c)(2),  
and 407(c)(3), the 90-day period referred to in such sec-  
tions shall be computed by excluding—

(1) the days on which either House is not in session because of an adjournment of more than 3 days to a

1 day certain or an adjournment of the Congress sine die,  
2 and

3 (2) any Saturday and Sunday, not excluded under  
4 paragraph (1), when either House is not in session.

## 5 CHAPTER 6—CONGRESSIONAL LIAISON 6 AND REPORTS

### 7 SEC. 161. CONGRESSIONAL DELEGATES TO NEGOTIATIONS.

8 ~~(167)At the beginning of each regular session of the Con-~~  
9 ~~gress, the President shall, upon the recommendation of the~~  
10 ~~Speaker of the House of Representatives, select five members~~  
11 ~~(not more than three of whom shall be of the same political~~  
12 ~~party) of the Committee on Ways and Means, and shall, upon~~  
13 ~~the recommendation of the President of the Senate, select five~~  
14 ~~members (not more than three of whom shall be of the same~~  
15 ~~political party) of the Committee on Finance, who shall be~~  
16 ~~accredited as official advisers to the United States delegation~~  
17 ~~to international conferences, meetings, and negotiation ses-~~  
18 ~~sions with respect to trade agreements. Any individual so~~  
19 ~~selected may be reselected under this section.~~

20 *(a) At the beginning of each regular session of Congress,*  
21 *the Speaker of the House of Representatives, upon the rec-*  
22 *ommendation of the chairman of the Committee on Ways and*  
23 *Means, shall select five members (not more than three of*  
24 *whom are members of the same political party) of such*  
25 *committee, and the President pro tempore of the Senate,*

1 *upon the recommendation of the chairman of the Committee*  
 2 *on Finance, shall select five members (not more than three of*  
 3 *whom are members of the same political party) of such com-*  
 4 *mittee, who shall be accredited by the President as official*  
 5 *advisers to the United States delegations to international con-*  
 6 *ferences, meetings, and negotiation sessions relating to trade*  
 7 *agreements.*

8       **(b) (1)** *The Special Representative for Trade Negotia-*  
 9 *tion shall keep each official adviser currently informed on*  
 10 *United States negotiating objectives, the status of negotiations*  
 11 *in progress, and the nature of any changes in domestic law or*  
 12 *the administration thereof which may be recommended to*  
 13 *Congress to carry out any trade agreement.*

14       **(2)** *The chairmen of the Committee on Ways and Means*  
 15 *and the Committee on Finance may designate members (in*  
 16 *addition to the official advisors under subsection (a)) and*  
 17 *staff members of their respective committees who shall have*  
 18 *access to the information provided to official advisers under*  
 19 *paragraph (1).*

20 **SEC. 162. TRANSMISSION OF AGREEMENTS TO CONGRESS.**

21       **(a)** *As soon as practicable after a trade agreement en-*  
 22 *tered into under chapter 1 or section (168)~~124~~ or ~~125~~ 123 or*  
 23 *124 has entered into force with respect to the United States,*  
 24 *the President shall, if he has not previously done so, transmit*  
 25 *a copy of such trade agreement to each House of the Con-*

gress together with a statement, in the light of the advice of the ~~(169)Tariff~~ *International Trade Commission* under section 131 (b) , if any, and of other relevant considerations, of his reasons for entering into the agreement. ~~(170)~~*Such statement shall include an employment impact statement setting forth in detail job losses and gains which may be expected as a result of such agreement. To the maximum extent possible, the employment statement shall be substantiated with factual information.*

(b) The President shall transmit to each Member of the Congress a summary of the information required to be transmitted to each House under subsection (a). For purposes of this subsection, the term "Member" includes any Delegate or Resident Commissioner.

#### SEC. 163. REPORTS.

(a) The President shall submit to the Congress an annual report on the trade agreements program and on import relief and adjustment assistance for ~~(171)workers and firms work-~~ *ers, firms, and communities* under this Act. Such report shall include information regarding new negotiations; changes made in duties and nontariff barriers and other distortions of trade of the United States; reciprocal concessions obtained; changes in trade agreements (including the incorporation therein of actions taken for import relief and compensation provided therefor) ; extension or withdrawal of nondiscrimi-

1 natory treatment by the United States with respect to the  
2 products of a foreign country; extension, modification, with-  
3 drawal, suspension, or limitation of preferential treatment to  
4 exports of developing countries; the results of action taken  
5 to obtain removal of foreign trade restrictions (including  
6 discriminatory restrictions) against United States exports  
7 and the removal of foreign practices which discriminate  
8 against United States service industries (including trans-  
9 portation and tourism) and investment; and the measures  
10 being taken to seek the removal of other significant foreign  
11 import restrictions; and other information relating to the  
12 trade agreements program and to the agreements entered  
13 into thereunder. (172) *Such report shall also include informa-*  
14 *tion regarding the number of applications filed for adjustment*  
15 *assistance for workers, firms, and communities, the number of*  
16 *such applications which were approved, and the extent to*  
17 *which adjustment assistance has been provided under such*  
18 *approved applications. Such report shall also include a list of*  
19 *import relief measures in effect which have been provided pur-*  
20 *suant to section 203 of this Act or section 351 or 352 of the*  
21 *Trade Expansion Act of 1962 and the estimated effect of each*  
22 *such measure on employment in the United States and on*  
23 *consumers (including its estimated cost to consumers, taking*  
24 *into account the price and availability of the imported article*  
25 *and the like or directly competitive article produced in the*  
26 *United States).*

1 (b) The ~~(173)Tariff~~ *International Trade Commission*  
 2 shall submit to the Congress, at least once a year, a factual  
 3 report on the operation of the trade agreements program.

4 **(174)CHAPTER 7—UNITED STATES INTER-**  
 5 **NATIONAL TRADE COMMISSION**

6 **SEC. 171. CHANGE OF NAME OF TARIFF COMMISSION.**

7 (a) *The United States Tariff Commission (established*  
 8 *by section 330 of the Tariff Act of 1930) is renamed as the*  
 9 *United States International Trade Commission.*

10 (b) *Any reference in any law of the United States, or in*  
 11 *any order, rule, regulation, or other document, to the United*  
 12 *States Tariff Commission (or the Tariff Commission) shall*  
 13 *be considered to refer to the United States International*  
 14 *Trade Commission.*

15 **SEC. 172. ORGANIZATION OF THE COMMISSION.**

16 (a) *Subsections (a) and (b) of section 330 of the Tariff*  
 17 *Act of 1930 (19 U.S.C. 1330) are amended to read as*  
 18 *follows:*

19 “(a) **MEMBERSHIP.**—*The United States International*  
 20 *Trade Commission (referred to in this title as the “Commis-*  
 21 *sion”)* shall be composed of seven commissioners who shall  
 22 *be appointed by the President, by and with the advice and*  
 23 *consent of the Senate. No person shall be eligible for appoint-*  
 24 *ment as a commissioner unless he is a citizen of the United*  
 25 *States, and, in the judgment of the President, is possessed of*

1 *qualifications requisite for developing expert knowledge of*  
 2 *international trade problems and efficiency in administering*  
 3 *the duties and functions of the Commission. A person who has*  
 4 *served as a commissioner for more than 7 years (excluding*  
 5 *service as a commissioner before the date of the enactment*  
 6 *of the Trade Act of 1974) shall not be eligible for reappoint-*  
 7 *ment as a commissioner. Not more than four of the commis-*  
 8 *sioners shall be members of the same political party, and in*  
 9 *making appointments members of different political parties*  
 10 *shall be appointed alternately as nearly as may be practicable.*

11       “(b) *TERMS OF OFFICE.—The terms of office of the*  
 12 *commissioners holding office on the date of the enactment of*  
 13 *the Trade Act of 1974 which (but for this sentence) would*  
 14 *expire on June 16, 1975, June 16, 1976, June 16, 1977,*  
 15 *June 16, 1978, June 16, 1979, and June 16, 1980, shall*  
 16 *expire on June 16, 1976, June 16, 1978, June 16, 1980,*  
 17 *June 16, 1982, June 16, 1984, and June 16, 1986, respec-*  
 18 *tively. The term of office of each commissioner appointed after*  
 19 *such date shall expire 14 years from the date of the expira-*  
 20 *tion of the term for which his predecessor was appointed,*  
 21 *except that—*

22               “(1) *the term of the first commissioner appointed*  
 23 *by reason of the increase in the number of commissioners*  
 24 *to seven shall expire on June 16, 1988; and*



1       “(2) any commissioner appointed to fill a vacancy  
2       occurring prior to the expiration of the term for which  
3       his predecessor was appointed shall be appointed for the  
4       remainder of such term.”

5       (b) Subsection (c) of such section is amended—

6           (1) by striking out “The” in the first sentence and  
7       inserting in lieu thereof “(1) Except as provided in  
8       paragraph (2), the”; and

9           (2) by adding at the end thereof the following new  
10      paragraph:

11      “(2) Effective on June 17, 1976, the commissioner  
12      whose term is first to expire shall serve as chairman during  
13      the last 2 years of his term (or, in the case of a commissioner  
14      appointed to fill a vacancy occurring in the last 2 years of a  
15      term, during the remainder of his term), and the commis-  
16      sioner whose term is second to expire shall serve as vice chair-  
17      man during the same 2-year period (or, in the case of a com-  
18      missioner appointed to fill a vacancy occurring during the  
19      last 3d or 4th year of a term, during the remainder of such  
20      2-year period).”

21      (c) (1) Section 5314 of title 5, United States Code, is  
22      amended by adding at the end thereof the following new  
23      paragraph:

24           “(61) Chairman, United States International  
25      Trade Commission.”

1       (2) Section 5315 of such title is amended by striking  
2 out paragraph (24) and inserting in lieu thereof the fol-  
3 lowing:

4               “(24) Members, United States International Trade  
5 Commission.”

6       (3) Section 5316 of such title is amended by striking out  
7 paragraph (93).

8 **SEC. 173. VOTING RECORD OF COMMISSIONERS.**

9       Section 332(g) of the Tariff Act of 1930 (31 U.S.C.  
10 1332(g)) is amended—

11           (1) by striking out “and” before “a summary”, and

12           (2) by inserting before the period at the end “, and a  
13 list of all votes taken by the commission during the year,  
14 showing those commissioners voting in the affirmative and  
15 the negative on each vote and those commissioners not  
16 voting on each vote and the reasons for not voting”.

17 **SEC. 174. REPRESENTATION IN COURT PROCEEDINGS.**

18       Section 333(c) of the Tariff Act of 1930 (19 U.S.C.  
19 1333 (c)) is amended—

20           (1) by striking out “Upon application of the At-  
21 torney General of the United States, at” in subsection  
22 (c) and inserting in lieu thereof “At”, and

23           (2) by adding at the end thereof the following new  
24 subsection:

1       “(g) *REPRESENTATION IN COURT PROCEEDINGS.*—  
 2       *The Commission shall be represented in all judicial proceed-*  
 3       *ings by attorneys who are employees of the commission or,*  
 4       *at the request of the commission, by the Attorney General of*  
 5       *the United States.”*

6       **SEC. 175 INDEPENDENT BUDGET AND AUTHORIZATION**  
 7               **OF APPROPRIATIONS.**

8       (a) (1) *Effective with respect to the fiscal year beginning*  
 9       *October 1, 1976, for purposes of the Budget and Accounting*  
 10       *Act, 1921 (31 U.S.C. 1 et seq.), estimated expenditures*  
 11       *and proposed appropriations for the United States Interna-*  
 12       *tional Trade Commission shall be transmitted to the Presi-*  
 13       *dent on or before October 15 of the year preceding the*  
 14       *beginning of each fiscal year and shall be included by him*  
 15       *in the Budget without revision, and the Commission shall*  
 16       *not be considered to be a department or establishment for*  
 17       *purposes of such Act.*

18       (2) *Section 3679 of the Revised Statutes (31 U.S.C.*  
 19       *665) is amended by inserting “the United States Interna-*  
 20       *tional Trade Commission,” before “, or the District of*  
 21       *Columbia” each place it appears in subsections (d) and (g).*

22       (b) *Section 330 of the Tariff Act of 1930 (19 U.S.C.*  
 23       *1330) is amended by adding at the end thereof the following*  
 24       *new subsection:*

1       “(e) *AUTHORIZATION OF APPROPRIATIONS.—For the*  
 2 *fiscal year beginning October 1, 1976, and each fiscal year*  
 3 *thereafter, there are authorized to be appropriated to the*  
 4 *Commission only such sums as may hereafter be provided by*  
 5 *law.”.*

6       (c)(1) *Paragraph (2) is enacted as an exercise of the*  
 7 *rulemaking power of the Senate and with full recognition of*  
 8 *the constitutional right of the Senate to change its rules at any*  
 9 *time.*

10       (2) *Paragraph 6(a) of rule XVI of the Standing Rules*  
 11 *of the Senate is amended by adding at the end of the table*  
 12 *contained therein the following:*

*“Committee on Finance ---- For the International Trade Commission.”.*

13       **TITLE II—RELIEF FROM INJURY**  
 14       **CAUSED BY IMPORT COMPETI-**  
 15       **TION**

16       **CHAPTER 1—IMPORT RELIEF**

17       **SEC. 201. INVESTIGATION BY (175) TARIFF INTERNA-**  
 18       **TIONAL TRADE COMMISSION.**

19       (a) (1) A petition for eligibility for import relief for the  
 20 purpose of facilitating orderly adjustment to import competi-  
 21 tion may be filed with the (176) ~~Tariff Commission~~ *Interna-*  
 22 *tional Trade Commission (hereinafter in this chapter re-*  
 23 *ferred to as the “Commission”)* by an entity, including a  
 24 trade association, firm, certified or recognized union, or group

1 of workers, which is representative of an industry. The peti-  
2 tion shall include a statement describing the specific purposes  
3 for which import relief is being sought, which may include  
4 such objectives as facilitating the orderly transfer of resources  
5 to alternative uses and other means of adjustment to new  
6 conditions of competition.

7 (2) Whenever a petition is filed under this subsection,  
8 the **(177)Tariff** Commission shall transmit a copy thereof to  
9 the Special Representative for Trade Negotiations and the  
10 agencies directly concerned.

11 (b) (1) Upon the request of the President or the Spe-  
12 cial Representative for Trade Negotiations, upon resolution  
13 of either the Committee on Ways and Means of the House of  
14 Representatives or the Committee on Finance of the Senate,  
15 upon its own motion, or upon the filing of a petition under  
16 subsection (a) (1), the **(178)Tariff** Commission shall  
17 promptly make an investigation to determine whether an  
18 article is being imported into the United States in such  
19 increased quantities as to be a substantial cause of serious  
20 injury, or the threat thereof, to the domestic industry pro-  
21 ducing an article like or directly competitive with the  
22 imported article.

23 (2) In making its determinations under paragraph (1),  
24 the **(179)Tariff** Commission shall take into account all eco-  
25 nomic factors which it considers relevant, including (but not  
26 limited to) —

(A) with respect to serious injury, the significant idling of productive facilities in the industry, the inability of a significant number of firms to operate at a reasonable level of profit, and significant unemployment or underemployment within the industry;

(B) with respect to threat of serious injury, a decline in sales, a higher and growing inventory, and a downward trend in production, profits, wages, or employment (or increasing underemployment) in the domestic industry concerned; and

(C) with respect to substantial cause, an ~~(180)~~*absolute* increase in imports ~~(181)~~~~(either actual or relative to domestic production)~~ and a decline in the proportion of the domestic market supplied by domestic producers.

(3) For purposes of paragraph (1), in determining the domestic industry producing an article like or directly competitive with an imported article, the ~~(182)~~~~Tariff~~ Commission—

(A) may, in the case of a domestic producer which also imports, treat as part of such domestic industry only its domestic production, ~~(183)~~~~and~~

(B) may, in the case of a domestic producer which produces more than one article, treat as part of such domestic industry only that portion or subdivision of the producer which produces the like or directly competitive ~~(184)~~~~article.~~ *article, and*

1       **(185)***(C) may, in the case of a domestic producer lo-*  
2       *cated in a major geographic area of the United States*  
3       *and serving a market in that area, treat as part of such*  
4       *domestic industry only that segment of the producer*  
5       *located in such geographic area.*

6       (4) For purposes of this section, the term “substantial  
7       cause” means a cause which is important and not less than  
8       any other cause.

9       (5) In the course of any proceeding under this sub-  
10      section, the **(186)**~~Tariff~~ Commission shall, for the purpose of  
11      assisting the President in making his determinations under  
12      sections 202 and 203, investigate and report on efforts made  
13      by firms and workers in the industry to compete more  
14      effectively with imports.

15      (6) In the course of any proceeding under this sub-  
16      section, the **(187)**~~Tariff~~ Commission shall investigate any  
17      factors which in its judgment may be contributing to in-  
18      creased imports of the article under investigation; and,  
19      whenever in the course of its investigation the **(188)**~~Tariff~~  
20      Commission has reason to believe that the increased imports  
21      are attributable in part to circumstances which come within  
22      the purview of the Antidumping Act, 1921, section 303 or  
23      337 of the Tariff Act of 1930, or other remedial provisions of  
24      law, the **(189)**~~Tariff~~ Commission shall promptly notify the  
25      appropriate agency so that such action may be taken as is  
26      otherwise authorized by such provisions of law.

1 (c) In the course of any proceeding under subsection  
 2 (b), the ~~(190)~~Tariff Commission shall, after reasonable  
 3 notice, hold public hearings and shall afford interested parties  
 4 an opportunity to be present, to present evidence, and to be  
 5 heard at such hearings.

6 ~~(191)(d)(1)~~ The Tariff Commission shall report to the  
 7 President its findings under subsection ~~(b)~~ and the basis  
 8 therefor and shall include in each report any dissenting or  
 9 separate views. If the Tariff Commission finds with respect  
 10 to any article, as a result of its investigation, the serious  
 11 injury or threat thereof described in subsection ~~(b)~~, it  
 12 shall find the amount of the increase in, or imposition of, any  
 13 duty or other import restriction on such article which is  
 14 necessary to prevent or remedy such injury and shall include  
 15 such finding in its report to the President. The Tariff Com-  
 16 mission shall furnish to the President a transcript of the hear-  
 17 ings and any briefs which may have been submitted in con-  
 18 nection with each investigation.

19 *(d)(1) The Commission shall report to the President its*  
 20 *findings under subsection (b), and the basis therefor and*  
 21 *shall include in each report any dissenting or separate views.*  
 22 *If the Commission finds with respect to any article, as a result*  
 23 *of its investigation, the serious injury or threat thereof de-*  
 24 *scribed in subsection (b), it shall—*



1           (A) find the amount of the increase in, or imposi-  
2           tion of, any duty or import restriction on such article  
3           which is necessary to prevent or remedy such injury, or

4           (B) if it determines that adjustment assistance un-  
5           der chapters 2, 3, and 4 can effectively remedy such  
6           injury, recommend the provision of such assistance,  
7           and shall include such findings or recommendation in its  
8           report to the President. The Commission shall furnish to the  
9           President a transcript of the hearings and any briefs which  
10          were submitted in connection with each investigation.

11          (2) The report of the (192)~~Tariff~~ Commission of its  
12          determination under subsection (b) shall be made at the  
13          earliest practicable time, but not later than 6 months after the  
14          date on which the petition is filed (or the date on which the  
15          request or resolution is received or the motion is adopted, as  
16          the case may be). Upon making such report to the Presi-  
17          dent, the (193)~~Tariff~~ Commission shall also promptly make  
18          public such report (with the exception of information which  
19          the Commission determines to be confidential) and shall  
20          cause a summary thereof to be published in the Federal  
21          Register.

22          (e) Except for good cause determined by the (194)  
23          ~~Tariff~~ Commission to exist, no investigation for the purposes  
24          of this section shall be made with respect to the same subject  
25          matter as a previous investigation under this section, unless 1

1 year has elapsed since the ~~(195)Tariff~~ Commission made its  
2 report to the President of the result of such previous  
3 investigation.

4 (f) (1) Any investigation by the ~~(196)Tariff~~ Commis-  
5 sion under section 301 (b) of the Trade Expansion Act of  
6 1962 (as in effect before the date of the enactment  
7 of this Act) which is in progress immediately before  
8 such date of enactment shall be continued under this section  
9 in the same manner as if the investigation had been instituted  
10 originally under the provisions of this section. For purposes  
11 of subsection (d) (2), the petition for any investigation to  
12 which the preceding sentence applies shall be treated as  
13 having been filed, or the request or resolution as having been  
14 received or the motion having been adopted, as the case may  
15 be, on the date of the enactment of this Act.

16 (2) If, on the date of the enactment of this Act, the  
17 President has not taken any action with respect to any  
18 report of the ~~(197)Tariff~~ Commission containing an affirma-  
19 tive determination resulting from an investigation under sec-  
20 tion 301 (b) of the Trade Expansion Act of 1962 (as  
21 in effect before the date of the enactment of this Act),  
22 such report shall be treated by the President as a report  
23 received by him under this section on the date of the  
24 enactment of this Act.

## 1 SEC. 202. PRESIDENTIAL ACTION AFTER INVESTIGATIONS.

2 ~~(198)(a)~~ After receiving a report from the Tariff Com-  
 3 mission containing an affirmative finding under section  
 4 201(b) that increased imports have been a substantial cause  
 5 of serious injury or threat thereof with respect to an  
 6 industry—

7 ~~(1)~~ the President shall evaluate the extent to which  
 8 adjustment assistance has been made available ~~(or can~~  
 9 ~~be made available)~~ under chapters 2 and 3 to the work-  
 10 ers and firms in such industry, and, after such evaluation,  
 11 may direct the Secretary of Labor and the Secretary of  
 12 Commerce that expeditious consideration be given to  
 13 petitions for adjustment assistance; and

14 ~~(2)~~ the President may provide import relief for such  
 15 industry pursuant to section 203.

16 ~~(b)~~ Within 60 days ~~(30 days in the case of a supple-~~  
 17 ~~mental report under subsection (d))~~ after receiving a report  
 18 from the Tariff Commission containing an affirmative finding  
 19 under section 201(b) ~~(or a finding under section 201(b)~~  
 20 ~~which he may treat as an affirmative finding by reason of~~  
 21 ~~section 330(d) of the Tariff Act of 1930)~~, the President  
 22 shall make his determination whether to provide import relief  
 23 pursuant to section 203. If the President determines not to  
 24 provide import relief, he shall immediately submit a report  
 25 to the House of Representatives and to the Senate stating  
 26 the considerations on which his decision was based.

1       (a) *After receiving a report from the Commission con-*  
2 *taining an affirmative finding under section 201(b) that in-*  
3 *creased imports have been a substantial cause of serious in-*  
4 *jury or the threat thereof with respect to an industry, the*  
5 *President—*

6               (1) (A) *shall provide import relief for such industry*  
7 *pursuant to section 203, and*

8               (B) *shall evaluate the extent to which adjustment*  
9 *assistance has been made available (or can be made avail-*  
10 *able) under chapters 2, 3, and 4 of this title to the*  
11 *workers and firms in such industry and to the commu-*  
12 *nities in which such workers and firms are located, and,*  
13 *after such evaluation, may direct the Secretary of Labor*  
14 *and the Secretary of Commerce that expeditious consider-*  
15 *ation be given to the petitions for adjustment assistance;*  
16 *or*

17               (2) *if the Commission, under section 201(d), rec-*  
18 *ommends the provision of adjustment assistance, shall*  
19 *direct the Secretaries of Labor and Commerce as de-*  
20 *scribed in paragraph (1) (B).*

21       (b) *Within 60 days after receiving a report from the*  
22 *Commission containing an affirmative finding under section*  
23 *201(b) (or a finding under section 201(b) which he con-*  
24 *siders to be an affirmative finding, by reason of section 330*  
25 *(d) of the Tariff Act of 1930, within such 60-day period),*  
26 *the President shall—*

(1) *determine what method and amount of import relief he will provide, and whether he will direct expeditious consideration of adjustment assistance petitions, and publish in the Federal Register that he has made such determination; or*

(2) *if such report recommends the provision of adjustment assistance, publish in the Federal Register his order to the Secretary of Labor and Secretary of Commerce for expeditious consideration of petitions.*

(c) In determining ~~(199)~~ whether to provide import relief what method and amount of import relief he will provide pursuant to section 203, the President shall take into account, in addition to such other considerations as he may deem relevant—

(1) information and advice from the Secretary of Labor on the extent to which workers in the industry have applied for, are receiving, or are likely to receive adjustment assistance under chapter 2 or benefits from other manpower programs;

(2) information and advice from the Secretary of Commerce on the extent to which firms in the industry have applied for, are receiving, or are likely to receive adjustment assistance under ~~(200)chapter 3~~ chapters 3 and 4;

1           (3) the probable effectiveness of import relief as a  
2       means to promote adjustment, the efforts being made or  
3       to be implemented by the industry concerned to adjust to  
4       import competition, and other considerations relative to  
5       the position of the industry in the Nation's economy;

6           (4) the effect of import relief on consumers (includ-  
7       ing the price and availability of the imported article and  
8       the like or directly competitive article produced in the  
9       United States) and on competition in the domestic mar-  
10      kets for such articles;

11          (5) the effect of import relief on the international  
12      economic interests of the United States;

13          (6) the impact on United States industries and  
14      firms as a consequence of any possible modification of  
15      duties or other import restrictions which may result from  
16      international obligations with respect to compensation;

17          (7) the geographic concentration of imported prod-  
18      ucts marketed in the United States;

19          (8) the extent to which the United States market  
20      is the focal point for exports of such article by reason  
21      of restraints on exports of such article to, or on imports  
22      of such article into, third country markets; and

23      ~~(201)(9) the economic and social costs which would be~~  
24      ~~incurred by taxpayers, communities, and workers, if~~  
25      ~~import relief were or were not provided.~~

(9) the economic and social costs which will be incurred, and which would be incurred if no such import relief were provided, by taxpayers, communities, and workers.

(d) The President may, within ~~(202)~~<sup>45</sup> 15 days after the date on which he receives an affirmative finding of the ~~(203)~~<sup>Tariff</sup> Commission under section 201 (b) with respect to an industry, request additional information from the ~~(204)~~<sup>Tariff</sup> Commission. The ~~(205)~~<sup>Tariff</sup> Commission shall, as soon as practicable but in no event more than 30 days ~~(206)~~<sup>60 days where extensive additional information is requested</sup> after the date on which it receives the President's request, furnish additional information with respect to such industry in a supplemental report.

#### SEC. 203. IMPORT RELIEF.

~~(207)~~<sup>(a)</sup> For purposes of applying the provisions of this section, each of the following methods of providing relief from injury caused by imports shall be preferred to the methods listed below it:

~~(1)~~ Increases in, or impositions of, duties.

~~(2)~~ Tariff rate quotas.

~~(3)~~ Quantitative restrictions.

~~(4)~~ Orderly marketing agreements.

Nothing in this section shall prevent the use of a combination of two or more such methods.

1       ~~(b)~~ If the President determines to provide import  
2 relief pursuant to this section, he shall, to the extent that and

3       (a) If the President is required to provide import relief  
4 under section 202(a)(1), he shall, to the extent that and  
5 for such time (not to exceed 5 years) as he determines neces-  
6 sary ~~(208)~~ taking into account the considerations specified  
7 in section 202(c) to prevent or remedy serious injury or the  
8 threat thereof to the industry in question and to facilitate the  
9 orderly adjustment to new competitive conditions by the in-  
10 dustry in question—

11           (1) proclaim an increase in, or imposition of, any  
12 duty on the article causing or threatening to cause serious  
13 injury to such industry;

14           (2) proclaim a tariff-rate quota on such article;

15           (3) proclaim a modification of, or imposition of, any  
16 quantitative restriction on the import into the United  
17 States of such article;

18           (4) negotiate orderly marketing agreements with  
19 foreign countries limiting the export from foreign coun-  
20 tries and the import into the United States of such  
21 articles; or

22           (5) take any combination of such actions.

23 ~~(209)(e)~~ Whenever the President selects under this section  
24 a method or methods of providing relief from injury caused  
25 by imports, he shall report to the Congress what action he is



1 taking, and he shall state with respect to each such method  
2 the reasons why he selected that method of providing relief  
3 from such injury rather than adjustment assistance and rather  
4 than each method of import relief which ranks higher in  
5 preference.

6 (b) On the day on which the President proclaims import  
7 relief under this section or announces his intention to negotiate  
8 one or more orderly marketing agreements, the President shall  
9 transmit to Congress a document setting forth the action he  
10 is taking under this section. If the action taken by the Presi-  
11 dent differs from the action recommended to him by the Com-  
12 mission under section 201(b)(1)(A), he shall state the  
13 reason for such difference.

14 (210)(c)(1) If the President reports under subsection (b)  
15 that he is taking action which differs from the action recom-  
16 mended by the Commission under section 201(b)(1)(A), the  
17 action recommended by the Commission shall take effect (as  
18 provided in paragraph (2)) upon the adoption by both Houses  
19 of Congress (within the 90-day period following the date  
20 on which the document referred to in subsection (b) is trans-  
21 mitted to the Congress), by an affirmative vote of a majority  
22 of the Members of each House present and voting, of a con-  
23 current resolution disapproving the action taken by the Presi-  
24 dent under section 202(a)(1)(A).

25 (2) If the contingency set forth in paragraph (1)  
26 occurs, the President shall (within 30 days after the adop-

1 *tion of such resolution) proclaim the increase in, or imposi-*  
 2 *tion of, any duty or other import restriction on the article*  
 3 *which was recommended by the Commission under section*  
 4 *201(b).*

5 (d) (1) No proclamation pursuant to subsection (211)  
 6 ~~(b)~~ (a) or (c) shall be made increasing a rate of duty to (or  
 7 imposing) a rate which is more than 50 percent ad valorem  
 8 above the rate (if any) existing at the time of the procla-  
 9 mation.

10 (2) Any quantitative restriction proclaimed pursuant  
 11 to subsection ~~(212)~~~~(b)~~ (a) or (c) and any orderly market-  
 12 ing agreement negotiated pursuant to ~~(213)~~such subsection  
 13 subsection (a) shall permit the importation of a quantity or  
 14 value of the article which is not less than the quantity or  
 15 value of such article imported into the United States during  
 16 the most recent period which the President determines is  
 17 representative of imports of such article.

18 ~~(214)(c)~~(1) Any initial proclamation made pursuant to  
 19 paragraph ~~(1)~~, ~~(2)~~, or ~~(3)~~ of subsection ~~(b)~~~~(a)~~ shall be  
 20 made within 15 days after the import relief determination  
 21 date. Any initial orderly marketing agreement under para-  
 22 graph ~~(4)~~ of subsection ~~(b)~~~~(a)~~ shall be entered into within  
 23 180 days after the import relief determination date.

24 (2) If, within 15 days after the import relief deter-  
 25 mination date, the President announces his intention to

1 negotiate one or more orderly marketing agreements, the  
 2 taking effect of any initial proclamation referred to in para-  
 3 graph (1) may be withheld until the entering into effect of  
 4 an orderly marketing agreement which is entered into on  
 5 or before the 180th day after the import relief determina-  
 6 tion date, and the application of any such initial proclama-  
 7 tion may be suspended while such agreement is in effect.  
 8 (3) For purposes of this subsection, the term "import  
 9 relief determination date" means the date of the President's  
 10 determination under section 202 to provide import relief.

11 (e)(1) Import relief under this section shall be pro-  
 12 claimed and take effect within 15 days after the import relief  
 13 determination date unless the President announces on such  
 14 date his intention to negotiate one or more orderly marketing  
 15 agreements under subsection (a) (4) or (5) in which  
 16 case import relief shall be proclaimed and take effect within  
 17 90 days after the import relief determination date.

18 (2) If the President provides import relief under sub-  
 19 section (a) (1), (2), (3), or (5), he may, after such relief  
 20 takes effect, negotiate orderly marketing agreements with  
 21 foreign countries, and may, after such agreements take effect,  
 22 suspend or terminate, in whole or in part, such import relief.

23 (3) If the President negotiates an orderly marketing  
 24 agreement under subsection (a) (4) or (5) and such  
 25 agreement does not continue to be effective, he may, consistent

1 *with the limitations contained in subsection (h), provide*  
 2 *import relief under subsection (a) (1), (2), (3), or (5).*

3 (4) *For purposes of this subsection, the term “import*  
 4 *relief determination date” means the date of the President’s*  
 5 *determination under section 202(b) as to what method and*  
 6 *amount of import relief he will provide.*

7 (f) (1) For purposes of subsections (a) and ~~(215)(b)~~  
 8 ~~(c)~~, the suspension of item 806.30 or 807.00 of the Tariff  
 9 Schedules of the United States with respect to an article shall  
 10 be treated as an increase in duty.

11 (2) For purposes of subsections (a) and ~~(216)(b)~~ ~~(c)~~,  
 12 the suspension of the designation of any article as an eligible  
 13 article for purposes of title V shall be treated as an increase  
 14 in duty.

15 (3) No proclamation providing for a suspension referred  
 16 to in paragraph (1) ~~(217)~~~~or (2)~~ with respect to any article  
 17 shall be made under subsection ~~(218)(b)~~ ~~(a)~~ or ~~(c)~~ unless  
 18 the ~~(219)~~Tariff Commission, in addition to making an affirm-  
 19 ative determination with respect to such article under section  
 20 201 (b), determines in the course of its investigation under  
 21 section 201 (b) that the serious injury (or threat thereof)  
 22 ~~(220)~~*substantially caused by imports* to the domestic in-  
 23 dustry producing a like or directly competitive article results  
 24 from the application of item 806.30 or item 807.00~~(221)~~;  
 25 ~~or from the designation of the article as an eligible article for~~  
 26 ~~purposes of title V, as the case may be.~~

1 ~~(222)~~(4) *No proclamation which provides solely for a sus-*  
 2 *pension referred to in paragraph (2) with respect to any*  
 3 *article shall be made under subsection (a) or (c) unless*  
 4 *the Commission, in addition to making an affirmative de-*  
 5 *termination with respect to such article under section 201(b),*  
 6 *determines in the course of its investigation under section*  
 7 *201(b) that the serious injury (or threat thereof) substan-*  
 8 *tially caused by imports to the domestic industry producing*  
 9 *a like or directly competitive article results from the desig-*  
 10 *nation of the article as an eligible article for the purposes*  
 11 *of title V.*

12 ~~(223)~~(g) ~~No import relief shall be provided pursuant to this~~  
 13 ~~section unless due diligence has been exercised in notifying~~  
 14 ~~those persons who may be adversely affected by the provid-~~  
 15 ~~ing of such relief, and unless the President has provided for~~  
 16 ~~a public hearing with respect to the proposal to provide such~~  
 17 ~~relief during the course of which interested persons have been~~  
 18 ~~given a reasonable opportunity to be present, to produce~~  
 19 ~~evidence, and to be heard.~~

20 ~~(224)~~(h) (g) (1) The President shall by regulations provide  
 21 for the efficient and fair administration of any quantitative  
 22 restriction proclaimed pursuant to subsection ~~(225)~~(b) ~~(3)~~  
 23 (a) (3) or (c).

24 (2) In order to carry out an agreement concluded  
 25 under subsection ~~(226)~~(b) ~~(4)~~ (a) (4), (a) (5), or (e) (2),

1 the President is authorized to prescribe regulations governing  
 2 the entry or withdrawal from warehouse of articles covered  
 3 by such agreement. ~~(227)~~In addition, in order to carry out  
 4 one or more agreements concluded under subsection ~~(b)(4)~~  
 5 among countries accounting for a major part of United States  
 6 imports of the article covered by such agreements, the Presi-  
 7 dent is also authorized to issue regulations governing the entry  
 8 or withdrawal from warehouse of like articles which are the  
 9 product of countries not parties to such agreement. ~~(228)~~In  
 10 addition, in order to carry out any agreement concluded un-  
 11 der subsection *(a)(4), (a)(5), or (e)(2) with one or more*  
 12 *countries accounting for a major part of United States im-*  
 13 *ports of the article covered by such agreements, including im-*  
 14 *ports into a major geographic area of the United States, the*  
 15 *President is authorized to issue regulations governing the*  
 16 *entry or withdrawal from warehouse of like articles which*  
 17 *are the product of countries not parties to such agreement.*

18 (3) Regulations prescribed under this subsection shall,  
 19 to the extent practicable and consistent with efficient and fair  
 20 administration, insure against inequitable sharing of imports  
 21 by a relatively small number of the larger importers.

22 ~~(229)(i)(h)~~ (1) Any import relief provided pursuant to this  
 23 section shall, unless renewed pursuant to paragraph (3),  
 24 terminate no later than the close of the day which is 5  
 25 years after the day on which import relief with respect to

1 the article in question first took effect pursuant to this  
2 section.

3 (2) To the extent feasible, any import relief provided  
4 pursuant to this section for a period of more than 3 years shall  
5 be phased down during the period of such relief, with the first  
6 reduction of relief taking effect no later than the close of the  
7 day which is 3 years after the day on which such relief  
8 first took effect.

9 (3) Any import relief provided pursuant to this sec-  
10 tion ~~(230)~~ *or section 351 or 352 of the Trade Expansion Act*  
11 *of 1962* may be extended by the President, at a level of relief  
12 no greater than the level in effect immediately before such  
13 extension, for one ~~(231)2-year~~ *3-year* period if the President  
14 determines, after taking into account the advice received from  
15 the ~~(232)Tariff~~ Commission under subsection ~~(233)(j)~~ *(i)*  
16 (2) and after taking into account the considerations described  
17 in section 202 (c), that such extension is in the national  
18 interest.

19 ~~(234)(4)~~ Any import relief provided pursuant to this sec-  
20 tion may be reduced or terminated by the President when he  
21 determines, after taking into account the advice received from  
22 the Tariff Commission under subsection ~~(2)~~ and after seek-  
23 ing advice of the Secretary of Commerce and the Secretary  
24 of Labor, that such reduction or termination is in the national  
25 interest.

1 ~~(235)~~~~(5)~~(4) For purposes of this subsection and subsection  
 2 ~~(236)~~~~(j)~~(i), the import relief provided in the case of an  
 3 orderly marketing agreement shall be the level of relief con-  
 4 templated by such agreement.

5 ~~(237)~~~~(j)~~(i) (1) So long as any import relief provided pur-  
 6 suant to this section ~~(238)~~*or section 351 or 352 of the Trade*  
 7 *Expansion Act of 1962* remains in effect, the ~~(239)~~~~Tariff~~  
 8 Commission shall keep under review developments with re-  
 9 spect to the industry concerned (including the progress and  
 10 specific efforts made by the firms in the industry concerned to  
 11 adjust to import competition) and upon request of the Presi-  
 12 dent shall make reports to the President concerning such  
 13 developments.

14 (2) Upon request of the President or upon its own  
 15 motion, the ~~(240)~~~~Tariff~~ Commission shall advise the Presi-  
 16 dent of its judgment as to the probable economic effect on the  
 17 industry concerned of the ~~(241)~~~~reduction~~ *extension, reduc-*  
 18 *tion*, or termination of the import relief provided pursuant to  
 19 this section.

20 (3) Upon petition on behalf of the industry concerned,  
 21 filed with the ~~(242)~~~~Tariff~~ Commission not earlier than the  
 22 date which is 9 months, and not later than the date which is  
 23 6 months, before the date any import relief provided pur-  
 24 suant to this section ~~(243)~~*or section 351 or 352 of the Trade*  
 25 *Expansion Act of 1962* is to terminate by reason of the



1 expiration of the initial period therefor, the ~~(244)~~Tariff  
 2 Commission shall advise the President of its judgment as to  
 3 the probable economic effect on such industry of such termi-  
 4 nation.

5 (4) In advising the President under paragraph (2) or  
 6 (3) as to the probable economic effect on the industry con-  
 7 cerned, the ~~(245)~~Tariff Commission shall take into account  
 8 all economic factors which it considers relevant, including the  
 9 considerations set forth in section 202 (c) and the progress  
 10 and specific efforts made by the industry concerned to adjust  
 11 to import competition.

12 (5) Advice by the ~~(246)~~Tariff Commission under para-  
 13 graph (2) or (3) shall be given on the basis of an investiga-  
 14 tion during the course of which the ~~(247)~~Tariff Commission  
 15 shall hold a hearing at which interested persons shall be given  
 16 a reasonable opportunity to be present, to produce evidence,  
 17 and to be heard.

18 ~~(248)~~~~(k)~~(j) No investigation for the purposes of section 201  
 19 shall be made with respect to an article which has received  
 20 import relief under this section unless 2 years have elapsed  
 21 since the last day on which import relief was provided with  
 22 respect to such article pursuant to this section.

23 ~~(249)~~(K) *Actions by the President pursuant to this section*  
 24 *may be taken without regard to the provisions of section 126*

1 *(a) of this Act but only after consideration of the relation of*  
 2 *such actions to the international obligations of the United*  
 3 *States.*

4 **(250)SEC. 204. PROCEDURE FOR CONGRESSIONAL DISAP-**  
 5 **PROVAL OF QUANTITATIVE RESTRIC-**  
 6 **TIONS AND ORDERLY MARKETING**  
 7 **AGREEMENTS.**

8 ~~(a)~~ Whenever the President issues a proclamation pur-  
 9 suant to section 203 ~~(b) (3)~~ or enters into an orderly market-  
 10 ing agreement pursuant to section 203 ~~(b) (4)~~, he shall  
 11 promptly transmit to the House of Representatives and to  
 12 the Senate a copy of such proclamation or agreement to-  
 13 gether with a copy of the statement required to be made to  
 14 Congress under section 203 ~~(c)~~.

15 ~~(b)~~ If, before the close of the 90-day period beginning  
 16 on the day on which the copy of the proclamation or agree-  
 17 ment is delivered to the House of Representatives and to the  
 18 Senate pursuant to subsection ~~(a)~~, either the House of Rep-  
 19 resentatives or the Senate adopts, by an affirmative vote of  
 20 a majority of those present and voting in that House, a resolu-  
 21 tion of disapproval under the procedures set forth in section  
 22 151, then such proclamation or such agreement, as the case  
 23 may be, shall have no force and effect beginning with the  
 24 day after the date of the adoption of such resolution of dis-  
 25 approval.

1       ~~(e) For purposes of section 203(e)(1), in the case of~~  
2       ~~the adoption of any resolution of disapproval referred to in~~  
3       ~~subsection (b), a second 15-day period during which the~~  
4       ~~President shall provide import relief under paragraph (1)~~  
5       ~~or (2) of section 203(b) shall be deemed to have started~~  
6       ~~on the day on which the resolution of disapproval was~~  
7       ~~adopted.~~

## 8       **CHAPTER 2—ADJUSTMENT ASSISTANCE** 9       **FOR WORKERS**

### 10       **Subchapter A—Petitions and Determinations**

#### 11       **SEC. 221. PETITIONS.**

12       (a) A petition for a certification of eligibility to apply for  
13       adjustment assistance under this chapter may be filed with  
14       the Secretary of Labor (hereinafter in this chapter referred  
15       to as the “Secretary”) by a group of workers or by their  
16       certified or recognized union or other duly authorized repre-  
17       sentative. Upon receipt of the petition, the Secretary shall  
18       promptly publish notice in the Federal Register that he  
19       has received the petition and initiated an investigation.

20       (b) If the petitioner, or any other person found by the  
21       Secretary to have a substantial interest in the proceedings,  
22       submits not later than 10 days after the date of the Secre-  
23       tary’s publication under subsection (a) a request for a hear-  
24       ing, the Secretary shall provide for a public hearing and af-

1   ford such interested persons an opportunity to be present, to  
2   produce evidence, and to be heard.

3   **SEC. 222. GROUP ELIGIBILITY REQUIREMENTS.**

4       The Secretary shall certify a group of workers as eligible  
5   to apply for adjustment assistance under this chapter if he  
6   determines—

7           (1) that a significant number or proportion of the  
8       workers in such workers' firm or an appropriate sub-  
9       division of the firm have become totally or partially  
10      separated, or are threatened to become totally or par-  
11      tially separated,

12          (2) that sales or production, or both, of such firm  
13      or subdivision have decreased absolutely, and

14          (3) that **(251)***absolute* increases of imports of  
15      articles like or directly competitive with articles pro-  
16      duced by such workers' firm or an appropriate subdivi-  
17      sion thereof contributed importantly to such total or  
18      partial separation, or threat thereof, and to such decline  
19      in sales or production.

20   **(252)***For purposes of paragraph (3), the term "contributed*  
21 *importantly" means a cause which is important but not neces-*  
22 *sarily more important than any other cause.*

23   **SEC. 223. DETERMINATIONS BY SECRETARY OF LABOR.**

24      (a) As soon as possible after the date on which a pe-  
25   tition is filed under section 221, but in any event not later

1 than 60 days after that date, the Secretary shall determine  
2 whether the petitioning group meets the requirements of  
3 section 222 and shall issue a certification of eligibility to  
4 apply for assistance under this chapter covering workers in  
5 any group which meets such requirements. Each certifica-  
6 tion shall specify the date on which the total or partial  
7 separation began or threatened to begin.

8 (b) A certification under this section shall not apply  
9 to any worker whose last total or partial separation from the  
10 firm or appropriate subdivision of the firm before his applica-  
11 tion under section 231 occurred—

12 (1) more than one year before the date of the peti-  
13 tion on which such certification was granted, or

14 (2) more than 6 months before the effective date  
15 of this chapter.

16 (c) Upon reaching his determination on a petition, the  
17 Secretary shall promptly publish a summary of the deter-  
18 mination in the Federal Register ~~(253)~~ *together with his*  
19 *reasons for making such determination.*

20 (d) Whenever the Secretary determines, with respect  
21 to any certification of eligibility of the workers of a firm  
22 or subdivision of the firm, that total or partial separations  
23 from such firm or subdivision are no longer attributable to  
24 the conditions specified in section 222, he shall terminate such  
25 certification and promptly have notice of such termination

1 published in the Federal Register ~~(254)~~ *together with his rea-*  
 2 *sons for making such determination.* Such termination shall  
 3 apply only with respect to total or partial separations occur-  
 4 ring after the termination date specified by the Secretary.

5 **SEC. 224. STUDY BY SECRETARY OF LABOR WHEN**  
 6 **~~(255)~~TARIFF INTERNATIONAL TRADE COM-**  
 7 **MISSION BEGINS INVESTIGATION; ACTION**  
 8 **WHERE THERE IS AFFIRMATIVE FINDING.**

9 (a) Whenever the ~~(256)~~ *Tariff Commission International*  
 10 *Trade Commission (hereafter referred to in this chapter as*  
 11 *the "Commission")* begins an investigation under section 201  
 12 with respect to an industry, the ~~(257)~~ *Tariff Commission* shall  
 13 immediately notify the Secretary of such investigation, and  
 14 the Secretary shall immediately begin a study of—

15 (1) the number of workers in the domestic industry  
 16 producing the like or directly competitive article ~~(258)~~  
 17 ~~which~~ *who* have been or are likely to be certified as eligible  
 18 for adjustment assistance, and

19 (2) the extent to which the adjustment of such  
 20 workers to the import competition may be facilitated  
 21 through the use of existing programs.

22 (b) The report of the Secretary of the study under sub-  
 23 section (a) shall be made to the President not later than 15  
 24 days after the day on which the ~~(259)~~ *Tariff Commission* makes

1 its report under section 201. Upon making ~~(260)~~*its* his report  
 2 to the President, the Secretary shall also promptly make it  
 3 public (with the exception of information which the Sec-  
 4 retary determines to be confidential) and shall have a sum-  
 5 mary of it published in the Federal Register.

6 (c) Whenever the ~~(261)~~~~Tariff~~ Commission makes an  
 7 affirmative finding under section 201 (b) that increased imports  
 8 are a substantial cause of serious injury or threat thereof  
 9 with respect to an industry, the Secretary shall make avail-  
 10 able, to the extent feasible, full information to the work-  
 11 ers in such industry about programs which may facilitate  
 12 the adjustment to import competition of such workers,  
 13 and he shall provide assistance in the preparation and  
 14 processing of petitions and applications of such workers for  
 15 program benefits.

## 16 Subchapter B—Program Benefits

### 17 PART I—TRADE READJUSTMENT ALLOWANCES

#### 18 SEC. 231. QUALIFYING REQUIREMENTS FOR WORKERS.

19 Payment of a trade readjustment allowance shall be  
 20 made to an adversely affected worker covered by a certifica-  
 21 tion under subchapter A who files an application for such  
 22 allowance for any week of unemployment which begins after  
 23 the date specified in such certification pursuant to section 223  
 24 (a), if the following conditions are met:

1           (1) Such worker's last total or partial separation  
2       before his application under this chapter, occurred—

3           (A) on or after the date, as specified in the  
4       certification under which he is covered, on which  
5       total or partial separation began or threatened to  
6       begin in the adversely affected employment, and

7           (B) before the expiration of the 2-year period  
8       beginning on the date on which the determination  
9       under section 223 was made, and

10          (C) before the termination date (if any) deter-  
11       mined pursuant to section 223 (d) ; and

12          (2) Such worker had, in the 52 weeks immediately  
13       preceding such total or partial separation, at least 26  
14       weeks of employment at wages of \$30 or more a week  
15       in adversely affected employment with a single firm or  
16       subdivision of a firm, or, if data with respect to weeks of  
17       employment are not available, equivalent amounts of  
18       employment computed under regulations prescribed by  
19       the Secretary.

20   **SEC. 232. WEEKLY AMOUNTS.**

21          (a) Subject to the other provisions of this section, the  
22       trade readjustment allowance payable to an adversely af-  
23       fected worker for a week of unemployment shall be—

24       ~~(262)(1)(A)~~ in the case of any such week in the first



1       26 weeks of such allowances, 70 percent of his average  
2       weekly wage (but not in excess of the average weekly  
3       manufacturing wage), or

4       ~~(B)~~ in the case of any subsequent week of such  
5       allowances, 65 percent of his average weekly wage (but  
6       not in excess of the average weekly manufacturing  
7       wage); reduced by

8               (1) 70 percent of his average weekly wage (but not  
9       in excess of the average weekly manufacturing wage),  
10      reduced by

11             (2) 50 percent of the amount of the remuneration  
12      for services performed during such week.

13       (b) Any adversely affected worker who is entitled to  
14      trade readjustment allowances and who is undergoing train-  
15      ing approved by the Secretary, including on-the-job training,  
16      shall receive for each week in which he is undergoing any  
17      such training, a trade readjustment allowance in an amount  
18      (computed for such week) equal to the amount computed  
19      under subsection (a) or (if greater) the amount of any  
20      weekly allowance for such training to which he would be  
21      entitled under any other Federal law for the training of  
22      workers, if he applied for such allowance. Such trade re-  
23      adjustment allowance shall be paid in lieu of any training  
24      allowance to which the worker would be entitled under such  
25      other Federal law.

1       (c) The amount of trade readjustment allowance pay-  
2     able to an adversely affected worker under subsection (a)  
3     for any week shall be reduced by any amount of unemploy-  
4     ment insurance which he **(263)**~~has received or is seeking re-~~  
5     ceives, *or which he would receive if he applied for such insurance,*  
6     with respect to such week; but, if the appropriate State or  
7     Federal agency finally determines that the worker was not  
8     entitled to unemployment insurance with respect to such  
9     week, the reduction shall not apply with respect to such  
10    week.

11       (d) If unemployment insurance, or a training allow-  
12     ance under any Federal law, is paid to an adversely affected  
13     worker for any week of unemployment with respect to  
14     which he would be entitled (determined without regard  
15     to subsection (c) or (e) or to any disqualification under  
16     section 236(c)) to a trade readjustment allowance if he  
17     applied for such allowance, each such week shall be de-  
18     ducted from the total number of weeks of trade readjust-  
19     ment allowance otherwise payable to him under section  
20     233(a) when he applies for a trade readjustment allow-  
21     ance and is determined to be entitled to such allowance.  
22     If the unemployment insurance or the training allowance  
23     paid to such worker for any week of unemployment is less  
24     than the amount of the trade readjustment allowance to  
25     which he would be entitled if he applied for such allow-

1    ance, he shall receive, when he applies for a trade read-  
 2    justment allowance and is determined to be entitled to such  
 3    allowance, a trade readjustment allowance for such week  
 4    equal to such difference.

5       (e) Whenever, with respect to any week of unem-  
 6    ployment, the total amount payable to an adversely affected  
 7    worker as remuneration for services performed during such  
 8    week, as unemployment insurance, as a training allowance  
 9    referred to in subsection (d), and as a trade readjustment  
 10    (264)allowance would exceed—

11       ~~(1) in the case of any such week in the first 26~~  
 12       ~~weeks of such allowances, 80 percent of his average~~  
 13       ~~weekly wage (or, if lesser, 130 percent of the average~~  
 14       ~~weekly manufacturing wage), or~~

15       ~~(2) in the case of any subsequent week of such~~  
 16       ~~allowances, 75 percent of his average weekly wage (or,~~  
 17       ~~if lesser, 130 percent of the average weekly manufac-~~  
 18       ~~turing wage),~~

19       *allowance exceeds 80 percent of his average weekly wage*  
 20       *(or, if lesser, 130 percent of the average weekly manufac-*  
 21       *turing wage), then his trade readjustment allowance for*  
 22       *such week shall be reduced by the amount of such excess.*

23       (f) The amount of any weekly payment to be made  
 24    under this section which is not a whole dollar amount shall  
 25    be rounded upward to the next higher whole dollar amount.

1 ~~(265)(g)(1)~~ If unemployment insurance is paid under a  
 2 State law to an adversely affected worker for a week for  
 3 which—

4 ~~(A)~~ he receives a trade readjustment allowance;  
 5 or

6 ~~(B)~~ he makes application for a trade readjust-  
 7 ment allowance and would be entitled ~~(determined~~  
 8 without regard to subsection ~~(e)~~ or ~~(e)~~ to receive  
 9 such allowance;

10 the State agency making such payment shall, unless it has  
 11 been reimbursed for such payment under Federal law, be  
 12 reimbursed from funds the authorization contained in pur-  
 13 suant to section 245(b), to the extent such payment does  
 14 not exceed the amount of the trade readjustment allowance  
 15 which such worker would have received, or would have been  
 16 entitled to receive, as the case may be, if he had not received  
 17 the State payment. The amount of such reimbursement shall  
 18 be determined by the Secretary on the basis of reports fur-  
 19 nished to him by the State agency.

20 ~~(2)~~ In any case in which a State agency is reimbursed  
 21 under paragraph ~~(1)~~ for payments of unemployment in-  
 22 surance made to an adversely affected worker, such pay-  
 23 ments, and the period of unemployment of such worker for  
 24 which such payments were made, may be disregarded under  
 25 the State law ~~(and for purposes of applying section 3303~~

1 of the Internal Revenue Code of 1954) in determining  
 2 whether or not an employer is entitled to a reduced rate of  
 3 contributions permitted by the State law.

4 SEC. 233. TIME LIMITATIONS ON TRADE READJUSTMENT  
 5 ALLOWANCES.

6 (a) Payment of trade readjustment allowances shall  
 7 not be made to an adversely affected worker for more than  
 8 52 weeks, except that, in accordance with regulations pre-  
 9 scribed by the Secretary—

10 (1) such payments may be made for not more than  
 11 26 additional weeks to an adversely affected worker  
 12 to assist him to complete training approved by the  
 13 Secretary, or

14 (2) such payments shall be made for not more than  
 15 ~~(266)~~<sup>13</sup> 26 additional weeks to an adversely affected  
 16 worker who had reached his 60th birthday on or before  
 17 the date of total or partial separation.

18 ~~(267)~~ *In no case may an adversely affected worker be paid*  
 19 *trade readjustment allowances for more than 78 weeks.*

20 ~~(268)~~ ~~(b)~~ Except for a payment made for an additional week  
 21 specified in subsection ~~(a)~~, a trade readjustment allowance  
 22 shall not be paid for a week of unemployment beginning  
 23 more than 2 years after the beginning of the appropriate  
 24 week. A trade readjustment allowance shall not be paid for  
 25 any additional week specified in subsection ~~(a)~~ if such

1 week begins more than 3 years after the beginning of the  
2 appropriate week. The appropriate week for a totally sepa-  
3 rated worker is the week of his most recent total separation.  
4 The appropriate week for a partially separated worker is  
5 the week in respect of which he first receives a trade read-  
6 justment allowance following his most recent partial  
7 separation.

8     **(b)(1)** *Except for a payment made for an additional*  
9 *week under subsection (a)(1) or (a)(2), a trade readjust-*  
10 *ment allowance may not be paid for a week of unemployment*  
11 *beginning more than 2 years after the beginning of the*  
12 *appropriate week.*

13     **(2)** *A trade readjustment allowance may not be paid for*  
14 *an additional week specified in subsection (a)(1) if the*  
15 *adversely affected worker who would receive such allowance*  
16 *did not make a bona fide application to a training program*  
17 *approved by the Secretary within 180 days after the end*  
18 *of the appropriate week or the date of his first certification*  
19 *of eligibility to apply for adjustment assistance issued by the*  
20 *Secretary, whichever is later.*

21     **(3)** *A trade readjustment allowance may not be paid*  
22 *for an additional week specified in subsection (a) if such*  
23 *additional week begins more than 3 years after the beginning*  
24 *of the appropriate week.*

1       (4) *For purposes of this subsection, the appropriate*  
 2 *week—*

3           *(A) for a totally separated worker is the week of*  
 4 *his most recent total separation, and*

5           *(B) for a partially separated worker is the first*  
 6 *week for which he receives a trade readjustment*  
 7 *allowance following his most recent partial separation.*

8 **SEC. 234. APPLICATION OF STATE LAWS.**

9       Except where inconsistent with the provisions of this  
 10 chapter and subject to such regulations as the Secretary  
 11 may prescribe, the availability and disqualification provisions  
 12 of the State law—

13           (1) under which an adversely affected worker is  
 14 entitled to unemployment insurance (whether or not he  
 15 has filed a claim for such insurance), or

16           (2) if he is not so entitled to unemployment insur-  
 17 ance, of the State in which he was totally or partially  
 18 separated,

19 shall apply to any such worker who files a claim for trade  
 20 readjustment allowances. The State law so determined with  
 21 respect to a separation of a worker shall remain applicable,  
 22 for purposes of the preceding sentence, with respect to such  
 23 separation until such worker becomes entitled to unemploy-  
 24 ment insurance under another State law (whether or not he  
 25 has filed a claim for such insurance).

1     **PART II—TRAINING AND RELATED SERVICES**

2     **SEC. 235. EMPLOYMENT SERVICES.**

3         The Secretary shall make every reasonable effort to  
4     secure for adversely affected workers covered by a certifica-  
5     tion under subchapter A of this chapter counseling, testing,  
6     and placement services, and supportive and other services,  
7     provided for under any other Federal law. The Secretary  
8     shall, whenever appropriate, procure such services through  
9     agreements with cooperating State agencies.

10    **SEC. 236. TRAINING.**

11         (a) If the Secretary determines that there is no suitable  
12     employment available for an adversely affected worker  
13     covered by a certification under subchapter A of this chapter,  
14     but that suitable employment (which may include technical  
15     and professional employment) would be available if the  
16     worker received appropriate training, he may approve such  
17     training. Insofar as possible, the Secretary shall provide or  
18     assure the provision of such training ~~(269) through manpower~~  
19     ~~programs established by law.~~ *on the job.*

20         (b) The Secretary may, where appropriate, authorize  
21     supplemental assistance necessary to defray transportation  
22     and subsistence expenses for separate maintenance when  
23     training is provided in facilities which are not within com-  
24     muting distance of a worker's regular place of residence. The  
25     Secretary shall not authorize payments for subsistence ex-



ceeding ~~(270)\$5~~ \$15 per day; nor shall he authorize payments for transportation expenses exceeding ~~(271)10~~ 12 cents per mile.

(c) Any adversely affected worker who, without good cause, refuses to accept or continue, or fails to make satisfactory progress in, suitable training to which he has been referred by the Secretary shall not thereafter be entitled to payments under this chapter until he enters or resumes the training to which he has been so referred.

### PART III—JOB SEARCH AND RELOCATION

#### ALLOWANCES

##### SEC. 237. JOB SEARCH ALLOWANCES.

(a) Any adversely affected worker covered by a certification under subchapter A of this chapter who has been totally separated may file an application with the Secretary for a job search allowance. Such allowance, if granted, shall provide reimbursement to the worker of 80 percent of the cost of his necessary job search expenses as prescribed by regulations of the Secretary; except that such reimbursement may not exceed \$500 for any worker.

(b) A job search allowance may be granted only—

(1) to assist an adversely affected worker in securing a job within the United States;

(2) where the Secretary determines that such worker cannot reasonably be expected to secure suitable

1 employment in the commuting area in which he resides;  
2 and

3 (3) where the worker has filed an application for  
4 such allowance with the Secretary no later than 1 year  
5 after the date of his last total separation before his ap-  
6 plication under this chapter (272) *or (in the case of a*  
7 *worker who has been referred to training by the Secre-*  
8 *tary) within a reasonable period of time after the conclu-*  
9 *sion of such training period.*

10 **SEC. 238. RELOCATION ALLOWANCES.**

11 (a) Any adversely affected worker covered by a certi-  
12 fication under subchapter A of this chapter who has been  
13 totally separated may file an application with the Secretary  
14 for a relocation allowance, subject to the terms and condi-  
15 tions of this section.

16 (b) A relocation allowance may be granted only to  
17 assist an adversely affected worker in relocating within the  
18 United States and only if the Secretary determines that such  
19 worker cannot reasonably be expected to secure suitable  
20 employment in the commuting area in which he resides and  
21 that such worker—

22 (1) has obtained suitable employment affording a  
23 reasonable expectation of long-term duration in the area  
24 in which he wishes to relocate, or

25 (2) has obtained a bona fide offer of such employ-  
26 ment.

1 (c) A relocation allowance shall not be granted to such  
2 worker unless—

3 (1) for the week in which the application for such  
4 allowance is filed, he is entitled to a trade readjustment  
5 allowance (determined without regard to section 232  
6 (c) and (e)) or would be so entitled (determined  
7 without regard to whether he filed application therefor)  
8 but for the fact that he has obtained the employment  
9 referred to in subsection (b) (1), and

10 (2) such relocation occurs within a reasonable pe-  
11 riod ~~(273)~~ *before or* after the filing of such application  
12 or (in the case of a worker who has been referred  
13 to training by the Secretary) within a reasonable  
14 period after the conclusion of such training.

15 Under regulations prescribed by the Secretary, a relocation  
16 allowance shall not be granted to more than one member of  
17 the family with respect to the same relocation.

18 (d) For the purposes of this section, the term “reloca-  
19 tion allowance” means—

20 (1) 80 percent of the reasonable and necessary  
21 expenses, as specified in regulations prescribed by the  
22 Secretary, incurred in transporting a worker and his  
23 family, if any, and household effects, and

24 (2) a lump sum equivalent to three times the

1 worker's average weekly wage, up to a maximum  
2 payment of \$500.

3 **Subchapter C—General Provisions**

4 **SEC. 239. AGREEMENTS WITH STATES.**

5 (a) The Secretary is authorized on behalf of the United  
6 States to enter into an agreement with any State, or with  
7 any State agency (referred to in this subchapter as “co-  
8 operating States” and “cooperating State agencies” re-  
9 spectively). Under such an agreement, the cooperating State  
10 agency (1) as agent of the United States, will receive  
11 applications for, and will provide, payments on the basis  
12 provided in this chapter, (2) where appropriate, will afford  
13 adversely affected workers who apply for payments under  
14 this chapter testing, counseling, referral to training, and  
15 placement services, and (3) will otherwise cooperate with  
16 the Secretary and with other State and Federal agencies in  
17 providing payments and services under this chapter.

18 (b) Each agreement under this subchapter shall pro-  
19 vide the terms and conditions upon which the agreement  
20 may be amended, suspended, or terminated.

21 (c) Each agreement under this subchapter shall provide  
22 that unemployment insurance otherwise payable to any ad-  
23 versely affected worker will not be denied or reduced for any  
24 week by reason of any right to payments under this chapter.

1 (d) A determination by a cooperating State agency  
 2 with respect to entitlement to ~~(274)~~payments program bene-  
 3 fits under an agreement is subject to review in the same man-  
 4 ner and to the same extent as determinations under the appli-  
 5 cable State law and only in that manner and to that extent.  
 6 ~~(275)~~(e) *Section 3302(c) of the Internal Revenue Code of*  
 7 *1954 (relating to credits against Federal unemployment tax)*  
 8 *is amended by inserting after paragraph (3) the following*  
 9 *new paragraph:*

10 “(4) *If the Secretary of Labor determines that a*  
 11 *State, or State agency, has not—*

12 “(A) *entered into the agreement described in*  
 13 *section 239 of the Trade Act of 1974, with the*  
 14 *Secretary of Labor before July 1, 1975, or*

15 “(B) *fulfilled its commitments under an agree-*  
 16 *ment with the Secretary of Labor as described in*  
 17 *section 239 of the Trade Act of 1974,*

18 *then, in the case of a taxpayer subject to the unemploy-*  
 19 *ment compensation law of such State, the total credits*  
 20 *(after applying subsections (a) and (b) and paragraphs*  
 21 *(1), (2), and (3) of this section) otherwise allowable*  
 22 *under this section for a year during which such State*  
 23 *or agency does not enter into or fulfill such an agreement*  
 24 *shall be reduced by 15 percent of the tax imposed with*

1       *respect to wages paid by such taxpayer during such year*  
 2       *which are attributable to such State.”.*

3   **SEC. 240. ADMINISTRATION ABSENT STATE AGREEMENT.**

4       (a) In any State where there is no agreement in force  
 5 between a State or its agency under section 239, the Sec-  
 6 retary shall arrange under regulations prescribed by him for  
 7 performance of all necessary functions under subchapter B  
 8 of this chapter, including provision for a fair hearing for any  
 9 worker whose application for payments is denied.

10       (b) A final determination under subsection (a) with  
 11 respect to entitlement to ~~(276)payments~~ *program benefits*  
 12 under subchapter B of this chapter is subject to review by the  
 13 courts in the same manner and to the same extent as is pro-  
 14 vided by section 205 (g) of the Social Security Act (42  
 15 U.S.C. sec. 405 (g) ).

16   **SEC. 241. PAYMENTS TO STATES.**

17       (a) The Secretary shall from time to time certify to  
 18 the Secretary of the Treasury for payment to each cooperat-  
 19 ing State the sums necessary to enable such State as agent  
 20 of the United States to make payments provided for by this  
 21 chapter. The Secretary of the Treasury, prior to audit or  
 22 settlement by the General Accounting Office, shall make  
 23 payment to the State from the Adjustment Assistance Trust  
 24 Fund established in section 245 in accordance with such  
 25 certification. ~~(277)Sums reimbursable to a State pursuant to~~

1 section ~~232(g)~~ shall be credited to the account of such  
2 State in the Unemployment Trust Fund and shall be used  
3 only for the payment of cash benefits to individuals with  
4 respect to their unemployment, exclusive of expenses of  
5 administration.

6 (b) All money paid a State under this section shall be  
7 used solely for the purposes for which it is paid; and money  
8 so paid which is not used for such purposes shall be returned,  
9 at the time specified in the agreement under this subchapter,  
10 to the Secretary of the Treasury and credited to the Adjust-  
11 ment Assistance ~~(278)~~ Trust Fund.

12 (c) Any agreement under this subchapter may require  
13 any officer or employee of the State certifying payments or  
14 disbursing funds under the agreement or otherwise partici-  
15 pating in the performance of the agreement, to give a surety  
16 bond to the United States in such amount as the Secretary  
17 may deem necessary, and may provide for the payment of  
18 the cost of such bond from funds for carrying out the pur-  
19 poses of this chapter.

20 **SEC. 242. LIABILITIES OF CERTIFYING AND DISBURSING**  
21 **OFFICERS.**

22 (a) No person designated by the Secretary, or design-  
23 nated pursuant to an agreement under this subchapter, as a  
24 certifying officer, shall, in the absence of gross negligence or

1 intent to defraud the United States, be liable with respect to  
2 any payment certified by him under this chapter.

3 (b) No disbursing officer shall, in the absence of gross  
4 negligence or intent to defraud the United States, be liable  
5 with respect to any payment by him under this chapter if  
6 it was based upon a voucher signed by a certifying officer  
7 designated as provided in subsection (a).

8 **SEC. 243. RECOVERY OF OVERPAYMENTS.**

9 (a) If a cooperating State agency or the Secretary, or  
10 a court of competent jurisdiction finds that any person—

11 (1) has made or has caused to be made by another,  
12 a false statement or representation of a material fact  
13 knowing it to be false, or has knowingly failed or caused  
14 another to fail to disclose a material fact; and

15 (2) as a result of such action has received any pay-  
16 ment under this chapter to which he was not entitled,  
17 such person shall be liable to repay such amount to the State  
18 agency or the Secretary as the case may be, or either may  
19 recover such amount by deductions from any sums payable  
20 to such person under this chapter. Any such finding by a  
21 State agency or the Secretary may be made only after an  
22 opportunity for a fair hearing.

23 (b) Any amount repaid to a State agency under this  
24 section shall be deposited into the fund from which payment  
25 was made. Any amount repaid to the Secretary under this



1 section shall be returned to the Secretary of the Treasury and  
2 credited to the Adjustment Assistance Trust Fund.

3 **SEC. 244. PENALTIES.**

4       Whoever makes a false statement of a material fact know-  
5 ing it to be false, or knowingly fails to disclose a material  
6 fact, for the purpose of obtaining or increasing for himself  
7 or for any other person any payment authorized to be fur-  
8 nished under this chapter or pursuant to an agreement under  
9 section 239 shall be fined not more than \$1,000 or im-  
10 prisoned for not more than one year, or both.

11 **SEC. 245. CREATION OF TRUST FUND; AUTHORIZATION OF**  
12 **APPROPRIATIONS OUT OF CUSTOMS RECEIPTS.**

13       (a) There is hereby established on the books of the  
14 Treasury of the United States a trust fund to be known as  
15 the "Adjustment Assistance Trust Fund" (referred to in this  
16 section as the "Trust Fund"). The Trust Fund shall consist  
17 of such amounts as may be deposited in it pursuant to the  
18 authorization contained in subsection (b). Amounts in the  
19 Trust Fund may be used only to carry out the provisions  
20 of this chapter (including administrative costs). The Secre-  
21 tary of the Treasury shall be the trustee of the Trust Fund  
22 and shall report to the Congress not later than March 1 of  
23 each year on the operation and status of the Trust Fund  
24 during the preceding fiscal year.

25       (b) ~~(279)~~(1) There ~~(280)~~is are hereby authorized to

1 be appropriated to the Trust Fund, out of amounts in the  
 2 general fund of the Treasury attributable to the collections  
 3 of customs duties not otherwise appropriated, for each fiscal  
 4 year ending after the date of the enactment of this Act, such  
 5 sums as may be necessary to carry out the provisions of this  
 6 chapter (including administrative costs) .

7 **(281)(2)** *There are authorized to be appropriated to the*  
 8 *Trust Fund, for purposes of training (including administra-*  
 9 *tive costs) under section 236, \$50,000,000 for fiscal year*  
 10 *1975 and such sums as may be necessary for the 5 succeeding*  
 11 *fiscal years.*

12 **SEC. 246. TRANSITIONAL PROVISIONS.**

13 (a) Where a group of workers has been certified as  
 14 eligible to apply for adjustment assistance under section  
 15 302 (b) (2) or (c) of the Trade Expansion Act of 1962, any  
 16 worker who has not had an application for trade readjust-  
 17 ment allowances under section 322 of that Act **(282)ap-**  
 18 ~~proved or~~ denied before the effective date of this chapter may  
 19 apply under section 231 of this Act as if the group certifica-  
 20 tion under which he claims coverage had been made under  
 21 subchapter A of this chapter.

22 (b) In any case where a group of workers or their  
 23 certified or recognized union or other duly authorized repre-  
 24 sentative has filed a petition under section 301 (a) (2) of

1 the Trade Expansion Act of 1962, more than 4 months  
2 before the effective date of this chapter and—

3 (1) the ~~(283)Tariff~~ Commission has not rejected  
4 such petition before the effective date of this chapter, and

5 (2) the President or his delegate has not issued a  
6 certification under section 302 (c) of that Act to the  
7 petitioning group before the effective date of this  
8 chapter,

9 such group or representative thereof may file a new petition  
10 under section 221 of this Act, not later than 90 days after  
11 the effective date of this chapter. For purposes of section  
12 223 (b) (1), the date on which such group or representa-  
13 tive filed the petition under the Trade Expansion Act of 1962  
14 shall apply. Section 223 (b) (2) shall not apply to workers  
15 covered by a certification issued pursuant to a petition meet-  
16 ing the requirements of this subsection.

17 (c) A group of workers may file a petition under sec-  
18 tion 221 covering weeks of unemployment (as defined in  
19 the Trade Expansion Act of 1962) beginning before the  
20 effective date of this chapter, or covering such weeks and  
21 also weeks of unemployment beginning on or after the ef-  
22 fective date of this chapter.

23 (d) Any worker receiving payments pursuant to this  
24 section shall be entitled—

25 (1) for weeks of unemployment (as defined in the

1 Trade Expansion Act of 1962) beginning before the  
 2 effective date of this chapter, to the rights and privileges  
 3 provided in chapter 3 of title III of such Act, and  
 4 ~~(284)(2) for weeks of unemployment beginning on or~~  
 5 ~~after the effective date of this chapter, to the rights and~~  
 6 ~~privileges provided in this chapter.~~

7 *(2) for weeks of unemployment beginning on or*  
 8 *after the effective date of this chapter, to the rights and*  
 9 *privileges provided in this chapter, except that the total*  
 10 *number of weeks of unemployment, as defined in the*  
 11 *Trade Expansion Act of 1962, for which trade readjust-*  
 12 *ment allowances were payable under that Act shall be*  
 13 *deducted from the total number of weeks of unemploy-*  
 14 *ment for which an adversely affected worker is eligible*  
 15 *for trade readjustment allowances under this chapter.*

16 (e) The ~~(285)Tariff~~ Commission shall make available to  
 17 the Secretary on request data it has acquired in investigations  
 18 under section 301 of the Trade Expansion Act of 1962 con-  
 19 cluded within the 2-year period ending on the effective date  
 20 of this chapter which did not result in Presidential action  
 21 under section 302 (a) (3) or 302 (c) of that Act.

## 22 SEC. 247. DEFINITIONS.

23 For purposes of this chapter—

24 (1) The term “adversely affected employment”  
 25 means employment in a firm or appropriate subdivision—

1 of a firm, if workers of such firm or subdivision are eligi-  
2 ble to apply for adjustment assistance under this chapter.

3 (2) The term "adversely affected worker" means  
4 an individual who, because of lack of work in adversely  
5 affected employment—

6 (A) has been totally or partially separated  
7 from such employment, or

8 (B) has been totally separated from employ-  
9 ment with the firm in a subdivision of which such  
10 adversely affected employment exists.

11 (3) The term "average weekly manufacturing  
12 wage" means the national gross average weekly earn-  
13 ings of production workers in manufacturing industries  
14 for the latest calendar year (as officially published an-  
15 nually by the Bureau of Labor Statistics of the Depart-  
16 ment of Labor) most recently published before the pe-  
17 riod for which the assistance under this chapter is fur-  
18 nished.

19 (4) The term "average weekly wage" means one-  
20 thirteenth of the total wages paid to an individual in the  
21 high quarter. For purposes of this computation, the high  
22 quarter shall be that quarter in which the individual's  
23 total wages were highest among the first 4 of the last 5  
24 completed calendar quarters immediately before the quar-  
25 ter in which occurs the week with respect to which the

1           (7) The term "remuneration" means wages and  
2 net earnings derived from services performed as a self-  
3 employed individual.

4 computation is made. Such week shall be the week in  
5 which total separation occurred, or, in cases where  
6 partial separation is claimed, an appropriate week, as  
7 defined in regulations prescribed by the Secretary.

8           (5) The term "average weekly hours" means the  
9 average hours worked by the individual (excluding  
10 overtime) in the employment from which he has been  
11 or claims to have been separated in the 52 weeks  
12 (excluding weeks during which the individual was sick  
13 or on vacation) preceding the week specified in the last  
14 sentence of paragraph (4).

15           (6) The term "partial separation" means, with  
16 respect to an individual who has not been totally sepa-  
17 rated, that he has had—

18           (A) his hours of work reduced to 80 percent  
19 or less of his average weekly hours in adversely  
20 affected employment, and

21           (B) his wages reduced to 80 percent or less **(286)**  
22 ~~(75 percent in the case of any week after the first~~  
23 ~~26 weeks in which he is eligible to receive a trade~~  
24 ~~readjustment allowance)~~ of his average weekly  
25 wage in such adversely affected employment.

1           (8) The term "State" includes the District of Co-  
2           lumbia and the Commonwealth of Puerto Rico; and the  
3           term "United States" when used in the geographical  
4           sense includes such Commonwealth.

5           (9) The term "State agency" means the agency  
6           of the State which administers the State law.

7           (10) The term "State law" means the unemploy-  
8           ment insurance law of the State approved by the Secre-  
9           tary of Labor under section 3304 of the Internal Reve-  
10          nue Code of 1954.

11          (11) The term "total separation" means the layoff  
12          or severance of an individual from employment with a  
13          firm in which, or in a subdivision of which, adversely  
14          affected employment exists.

15          (12) The term "unemployment insurance" means  
16          the unemployment insurance payable to an individual  
17          under any State law or Federal unemployment insur-  
18          ance law, including chapter 85 of title 5, United States  
19          Code, and the Railroad Unemployment Insurance Act.

20          (13) The term "week" means a week as defined in  
21          the applicable State law.

22          (14) The term "week of unemployment" means  
23          with respect to an individual any week for which his re-

1       muneration for services performed during such week is less  
 2       than 80 percent ~~(287)~~ ~~(75 percent in the case of any week~~  
 3       ~~after the first 26 weeks in which he is eligible to receive~~  
 4       ~~a trade readjustment allowance)~~ of his average weekly  
 5       wage and in which, because of lack of work—

6               (A) if he has been totally separated, he worked  
 7       less than the full-time week (excluding overtime) in  
 8       his current occupation, or

9               (B) if he has been partially separated, he  
 10       worked 80 percent or less of his average weekly  
 11       hours.

12   **SEC. 248. REGULATIONS.**

13       The Secretary shall prescribe such regulations as may  
 14       be necessary to carry out the provisions of this chapter.

15   ~~(288)~~**SEC. 249. SUBPENA POWER.**

16       *(a) The Secretary may require by subpoena the attend-*  
 17       *ance of witnesses and the production of evidence necessary for*  
 18       *him to make a determination under the provisions of this*  
 19       *chapter.*

20       *(b) If a person refuses to obey a subpoena issued under*  
 21       *subsection (a), a United States district court within the juris-*  
 22       *diction of which the relevant proceeding under this chapter is*  
 23       *conducted may, upon petition by the Secretary, issue an order*  
 24       *requiring compliance with such subpoena.*



1 **(289)SEC. 250. JUDICIAL REVIEW.**

2       (a) *A worker or group of workers, or an authorized*  
3 *representative of such worker or group, aggrieved by a final*  
4 *determination by the Secretary under the provisions of sec-*  
5 *tion 223 may, within 60 days after notice of such determi-*  
6 *nation, file a petition for review of such determination with*  
7 *the United States court of appeals for the circuit in which*  
8 *such worker or group is located or in the United States*  
9 *Court of Appeals for the District of Columbia Circuit. The*  
10 *clerk of such court shall send a copy of such petition to the*  
11 *Secretary. Upon receiving such petition, the Secretary shall*  
12 *promptly certify and file in such court the record on which*  
13 *he based such determination.*

14       (b) *The findings of fact by the Secretary, if supported*  
15 *by substantial evidence, shall be conclusive; but the court, for*  
16 *good cause shown, may remand the case to the Secretary to*  
17 *take further evidence, and the Secretary may thereupon make*  
18 *new or modified findings of fact and may modify his previous*  
19 *action, and shall certify to the court the record of the further*  
20 *proceedings. Such new or modified findings of fact shall like-*  
21 *wise be conclusive if supported by substantial evidence.*

22       (c) *The court shall have jurisdiction to affirm the action*  
23 *of the Secretary or to set it aside, in whole or in part. The*  
24 *judgment of the court shall be subject to review by the Supreme*

1 *Court of the United States upon certiorari or certification as*  
2 *provided in section 1254 of title 28, United States Code.*

3 **(290)SEC. 249. EFFECTIVE DATE.**

4 This chapter ~~(other than section 250)~~ shall become ef-  
5 fective on the 90th day following the date of the enactment  
6 of this Act.

7 **(291)SEC. 250. COORDINATION.**

8 There is hereby established the Adjustment Assistance  
9 Coordinating Committee to consist of a Deputy Special Trade  
10 Representative as Chairman, and the officials charged with  
11 adjustment assistance responsibilities of the Departments of  
12 Labor and Commerce and the Small Business Administra-  
13 tion. It shall be the function of the Committee to coordinate  
14 the adjustment assistance policies and programs of the  
15 various agencies involved and to promote the efficient and  
16 effective delivery of adjustment assistance benefits.

17 **CHAPTER 3—ADJUSTMENT ASSISTANCE**  
18 **FOR FIRMS**

19 **SEC. 251. PETITIONS AND DETERMINATIONS.**

20 (a) A petition for a certification of eligibility to apply  
21 for adjustment assistance under this chapter may be filed  
22 with the Secretary of Commerce (hereinafter in this chapter  
23 referred to as the "Secretary") by a firm or its representa-  
24 tive. Upon receipt of the petition, the Secretary shall

1 promptly publish notice in the Federal Register that he has  
2 received the petition and initiated an investigation. —

3 (b) If the petitioner, or any other person, organization,  
4 or group found by the Secretary to have a substantial interest  
5 in the proceedings, submits not later than 10 days after the  
6 date of the Secretary's publication under subsection (a) a  
7 request for a hearing, the Secretary shall provide for a public  
8 hearing and afford such interested persons an opportunity  
9 to be present, to produce evidence, and to be heard.

10 (c) The Secretary shall certify a firm as eligible to  
11 apply for adjustment assistance under this chapter if he  
12 determines—

13 (1) that a significant number or proportion of the  
14 workers in such firm have become totally or partially  
15 separated, or are threatened to become totally or par-  
16 tially separated,

17 (2) that sales or production, or both, of such firm  
18 have decreased absolutely, and

19 (3) that ~~(292)~~*absolute* increases of imports of  
20 articles like or directly competitive with articles pro-  
21 duced by such firm contributed importantly to such total  
22 or partial ~~(293)~~*separation* ~~separation~~, or threat thereof,  
23 and to such decline in sales or production.

24 ~~(294)~~*For purposes of paragraph (3), the term "contributed*

1 *importantly* means a cause which is important but not neces-  
 2 sarily more important than any other cause.

3 (d) A determination shall be made by the Secretary as  
 4 soon as possible after the date on which the petition is filed  
 5 under this section, but in any event not later than 60 days  
 6 after that date.

7 **SEC. 252. APPROVAL OF ADJUSTMENT PROPOSALS.**

8 (a) A firm certified under section 251 as eligible to  
 9 apply for adjustment assistance may, at any time within 2  
 10 years after the date of such certification, file an application  
 11 with the Secretary for adjustment assistance under this  
 12 chapter. Such application shall include a proposal for the  
 13 economic adjustment of such firm.

14 (b) ~~(295)~~(1) Adjustment assistance under this chapter  
 15 consists of technical assistance and financial assistance, which  
 16 may be furnished singly or in combination. The Secretary  
 17 shall approve a firm's application for adjustment assistance  
 18 only if he determines—

19 ~~(296)~~~~(1)~~ (A) that the firm has no reasonable access to  
 20 financing through the private capital market, and

21 ~~(297)~~~~(2)~~ (B) that the firm's adjustment proposal—

22 ~~(298)~~~~(A)~~ (i) is reasonably calculated materially  
 23 to contribute to the economic adjustment of the firm,

1           ~~(299)(B)~~ (ii) gives adequate consideration to the  
2           interests of the workers of such firm, and

3           ~~(300)(C)~~ (iii) demonstrates that the firm will  
4           make all reasonable efforts to use its own resources  
5           for economic development.

6   ~~(301)(2)~~ *The Secretary shall make a determination as soon*  
7   *as possible after the date on which an application is filed*  
8   *under this section, but in no event later than 60 days after*  
9   *such date.*

10       (c) In order to assist a firm which has been certified  
11   as eligible to apply for adjustment assistance under this chap-  
12   ter in preparing a viable adjustment proposal, the Secretary  
13   may furnish technical assistance to such firm.

14       (d) Whenever the Secretary determines that any firm  
15   no longer requires assistance under this chapter, he shall  
16   terminate the certification of eligibility of such firm and  
17   promptly have notice of such termination published in the  
18   Federal Register. Such termination shall take effect on the  
19   termination date specified by the Secretary.

#### 20   SEC. 253. TECHNICAL ASSISTANCE.

21       (a) The technical assistance furnished under this chap-  
22   ter shall consist of—

23           (1) assistance to the firm in developing a pro-  
24   posal for its economic adjustment,

1           (2) assistance in the implementation of such a  
2     proposal, or

3           (3) both.

4     (b) The Secretary may provide to a firm certified under  
5     section 251, on such terms and conditions as he determines  
6     to be appropriate, such technical assistance as in his judgment  
7     will carry out the purposes of this chapter with respect to  
8     such firm.

9     (c) The Secretary shall furnish technical assistance  
10    under this chapter through existing agencies and through  
11    private individuals, firms, and institutions. In the case of  
12    assistance furnished through private individuals, firms, and  
13    institutions (including private consulting services), the Sec-  
14    retary may share the cost thereof (but not more than 75  
15    percent of such cost may be borne by the United States).

16   **SEC. 254. FINANCIAL ASSISTANCE.**

17     (a) The Secretary may provide to a firm, on such  
18     terms and conditions as he determines to be appropriate,  
19     such financial assistance in the form of direct loans or guar-  
20     antees of loans as in his judgment will materially contribute  
21     to the economic adjustment of the firm. The assumption  
22     of an outstanding indebtedness of the firm, with or without  
23     recourse, shall be considered to be the making of a loan for  
24     purposes of this section.

1 (b) Loans or guarantees of loans shall be made under  
 2 this chapter only for the purpose of making funds available  
 3 to the firm—

4 (1) for acquisition, construction, installation, mod-  
 5 ernization, development, conversion, or expansion of  
 6 land, plant, buildings, equipment, facilities, or machin-  
 7 ery, or

8 (2) to supply such working capital as may be nec-  
 9 essary to enable the firm to implement its adjustment  
 10 proposal.

11 (c) To the extent that loan funds can be obtained from  
 12 private sources (with or without a guarantee) at the rate  
 13 provided in the first sentence of section 255 (b), no direct  
 14 loan shall be provided to a firm under this chapter.

15 **SEC. 255. CONDITIONS FOR FINANCIAL ASSISTANCE.**

16 (a) No financial assistance shall be provided under this  
 17 chapter unless the Secretary determines—

18 (1) that the funds required are not available from  
 19 the firm's own resources; and

20 (2) that there is reasonable assurance of repay-  
 21 ment of the loan.

22 ~~(302)(b)~~ In the case of guaranteed loans, the guaranteed  
 23 portion of the loan shall not bear interest at a rate higher  
 24 than the maximum rate permissible in the case of loans to  
 25 small businesses which are guaranteed by the Small Busi-

1 ~~ness Administration. The rate of interest on direct loans~~  
2 ~~shall be the prevailing rate authorized for loans to small~~  
3 ~~businesses by the Small Business Administration.~~

4       **(b)** *The rate of interest on loans which are guaranteed*  
5 *under this chapter shall be no higher than the maximum*  
6 *interest per annum that a participating financial institution*  
7 *may establish on guaranteed loans made pursuant to section*  
8 *7(a) of the Small Business Act (15 U.S.C. 636(a)). The*  
9 *rate of interest on direct loans made under this chapter shall*  
10 *be (i) a rate determined by the Secretary of the Treasury*  
11 *taking into consideration the current average market yield*  
12 *on outstanding marketable obligations of the United States*  
13 *with remaining periods to maturity that are comparable to*  
14 *the average maturities of such loans, adjusted to the nearest*  
15 *one-eighth of 1 percent, plus (ii) an amount adequate in the*  
16 *judgment of the Secretary to cover administrative costs and*  
17 *probable losses under the program.*

18       **(c)** The Secretary shall make no loan or guarantee of a  
19 loan having a maturity in excess of 25 years, including re-  
20 newals and extensions. Such limitation on maturities shall  
21 not, however, apply—

22           **(1)** to securities or obligations received by the  
23 Secretary as claimant in bankruptcy or equitable reor-  
24 ganization, or as creditor in other proceedings attendant  
25 upon insolvency of the obligor, or



1           (2) to an extension or renewal for an additional  
2       period not exceeding 10 years, if the Secretary deter-  
3       mines that such extension or renewal is reasonably  
4       necessary for the orderly liquidation of the loan.

5       (d) In making guarantees of loans, and in making  
6       direct loans, the Secretary shall give priority to firms which  
7       are small ~~(303)~~businesses within the meaning of the Small  
8       Business Act (and regulations promulgated thereunder).

9       (e) No loan shall be guaranteed by the Secretary in an  
10      amount which exceeds 90 percent of ~~(304)~~that portion of  
11      the loan made for purposes specified in section 254(b) the  
12      balance of the loan outstanding.

13      (f) The Secretary shall maintain operating reserves  
14      with respect to anticipated claims under guarantees made  
15      under this chapter. Such reserves shall be considered to con-  
16      stitute obligations for purposes of section 1311 of the Supple-  
17      mental Appropriation Act, 1955 (31 U.S.C. 200).

18      ~~(305)~~(g) *The Secretary may charge a fee to a lender which*  
19      *makes a loan guaranteed under this chapter in such amount*  
20      *as is necessary to cover the cost of administration of such*  
21      *guarantee.*

22      ~~(306)~~(g)(h) (1) The aggregate amount of loans made to  
23      any firm which are guaranteed under this chapter and which  
24      are outstanding at any time shall not exceed \$3,000,000.

25      (2) The aggregate amount of direct loans made to any

1 firm under this chapter which are outstanding at any time  
2 shall not exceed \$1,000,000.

3 **SEC. 256. DELEGATION OF FUNCTIONS TO SMALL BUSI-**  
4 **NESS ADMINISTRATION; AUTHORIZATION OF**  
5 **APPROPRIATIONS.**

(307)~~(a)~~ In the case of any firm which is a small business  
7 ~~(within the meaning of the Small Business Act and regula-~~  
8 ~~tions promulgated thereunder)~~, the Secretary may delegate  
9 all or any part of his functions under this chapter ~~(other than~~  
10 ~~the functions under section 251 with respect to the certifica-~~  
11 ~~tion of eligibility)~~ to the Administrator of the Small Business  
12 ~~Administration.~~

13 *(a) In the case of any firm which is small (within the*  
14 *meaning of the Small Business Act and regulations promul-*  
15 *gated thereunder), the Secretary may delegate all of his*  
16 *functions under this chapter (other than the functions under*  
17 *sections 251 and 252(d) with respect to the certification*  
18 *of eligibility and section 264) to the Administrator of the*  
19 *Small Business Administration.*

20 (b) There are hereby authorized to be appropriated to  
21 the Secretary such sums as may be necessary from time to  
22 time to carry out his functions under this chapter in con-  
23 nection with furnishing adjustment assistance to firms, which  
24 sums are authorized to be appropriated to remain available  
25 until expended.

1 (308)(c) *The unexpended balances of appropriations author-*  
 2 *ized by section 312(d) of the Trade Expansion Act of 1962*  
 3 *are transferred to the Secretary to carry out his functions*  
 4 *under this chapter.*

5 **SEC. 257. ADMINISTRATION OF FINANCIAL ASSISTANCE.**

6 (a) In making and administering guarantees and loans  
 7 under section 254, the Secretary may—

8 (1) require security for any such guarantee or  
 9 loan, and enforce, waive, or subordinate such security;

10 (2) assign or sell at public or private sale, or other-  
 11 wise dispose of, upon such terms and conditions and for  
 12 such consideration as he shall determine to be reason-  
 13 able, any evidence of debt, contract, claim, personal  
 14 property, or security assigned to or held by him in  
 15 connection with such guarantees or loans, and collect,  
 16 compromise, and obtain deficiency judgments with re-  
 17 spect to all obligations assigned to or held by him in  
 18 connection with such guarantees or loans until such time  
 19 as such obligations may be referred to the Attorney Gen-  
 20 eral for suit or collection;

21 (3) renovate, improve, modernize, complete, insure,  
 22 rent, sell, or otherwise deal with, upon such terms and  
 23 conditions and for such consideration as he shall deter-  
 24 mine to be reasonable, any real or personal property con-

veyed to or otherwise acquired by him in connection with such guarantees or loans;

(4) acquire, hold, transfer, release, or convey any real or personal property or any interest therein whenever deemed necessary or appropriate, and execute all legal documents for such purposes; and

(5) exercise all such other powers and take all such other acts as may be necessary or incidental to the carrying out of functions pursuant to section 254.

(b) Any mortgage acquired as security under subsection

(a) shall be recorded under applicable State law.

(309)(c) *All repayments of loans, payments of interest, and other receipts arising out of transactions entered into by the Secretary pursuant to this chapter, shall be available for financing functions performed under this chapter, including administrative expenses in connection with such functions.*

#### SEC. 258. PROTECTIVE PROVISIONS.

(a) Each recipient of adjustment assistance under this chapter shall keep records which fully disclose the amount and disposition by such recipient of the proceeds, if any, of such adjustment assistance, and which will facilitate an effective audit. The recipient shall also keep such other records as the Secretary may prescribe.

(b) The Secretary and the Comptroller General of

1 the United States shall have access for the purpose of audit  
2 and examination to any books, documents, papers, and  
3 records of the recipient pertaining to adjustment assistance  
4 under this chapter.

5 (c) No adjustment assistance under this chapter shall  
6 be extended to any firm unless the owners, partners, or  
7 officers certify to the Secretary—

8 (1) the names of any attorneys, agents, and other  
9 persons engaged by or on behalf of the firm for the  
10 purpose of expediting applications for such adjustment  
11 assistance; and

12 (2) the fees paid or to be paid to any such person.

13 (d) No financial assistance shall be provided to any  
14 firm under this chapter unless the owners, partners, or of-  
15 ficers shall execute an agreement binding them and the firm  
16 for a period of 2 years after such financial assistance is pro-  
17 vided, to refrain from employing, tendering any office or  
18 employment to, or retaining for professional services any  
19 person who, on the date such assistance or any part thereof  
20 was provided, or within 1 year prior thereto, shall have  
21 served as an officer, attorney, agent, or employee occupying  
22 a position or engaging in activities which the Secretary  
23 shall have determined involve discretion with respect to the  
24 provision of such financial assistance.

1   **SEC. 259. PENALTIES.**

2       Whoever makes a false statement of a material fact  
3   knowing it to be false, or knowingly fails to disclose a mate-  
4   rial fact, or whoever willfully overvalues any security, for  
5   the purpose of influencing in any way (310) ~~the action of the~~  
6   ~~Secretary~~ *a determination* under this chapter, or for the pur-  
7   pose of obtaining money, property, or anything of value under  
8   this chapter, shall be fined not more than \$5,000 or im-  
9   prisoned for not more than 2 years, or both.

10   **SEC. 260. SUITS.**

11       In providing technical and financial assistance under  
12   this chapter the Secretary may sue and be sued in any court  
13   of record of a State having general jurisdiction or in any  
14   United States district court, and jurisdiction is conferred upon  
15   such district court to determine such controversies without  
16   regard to the amount in controversy; but no attachment, in-  
17   junction, garnishment, or other similar process, mesne or  
18   final, shall be issued against him or his property. Nothing in  
19   this section shall be construed to except the activities pur-  
20   suant to sections 253 and 254 from the application of sec-  
21   tions 516, 547, and 2679 of title 28 of the United States  
22   Code.

23   **SEC. 261. DEFINITIONS.**

24       For purposes of this chapter, the term "firm" includes  
25   an individual proprietorship, partnership, joint venture, asso-

1 ciation, corporation (including a development corpora-  
 2 tion), business trust, cooperative, trustee in bankruptcy, and  
 3 receiver under decree of any court. A firm, together with any  
 4 predecessor or successor firm, or any affiliated firm controlled  
 5 or substantially beneficially owned by substantially the same  
 6 persons, may be considered a single firm where necessary  
 7 to prevent unjustifiable benefits.

#### 8 SEC. 262. REGULATIONS.

9 The Secretary shall prescribe such regulations as may  
 10 be necessary to carry out the provisions of this chapter.

#### 11 SEC. 263. TRANSITIONAL PROVISIONS.

12 (a) In any case where a firm or its representative has  
 13 filed a petition with the ~~(311)Tariff Commission~~ *Interna-*  
 14 *tional Trade Commission* (hereafter in this chapter referred  
 15 to as the "Commission") under section 301 (a) (2) of the  
 16 Trade Expansion Act of 1962, and the ~~(312)Tariff Commis-~~  
 17 sion has not made its determination under section 301 (c) of  
 18 that Act before the date of the enactment of this Act, such  
 19 firm may reapply under the provisions of section 251 of this  
 20 Act. In order to assist the Secretary in making his determina-  
 21 tion under such section 251 with respect to such firm, the  
 22 ~~(313)Tariff Commission~~ shall make available to the Secre-  
 23 tary, on request, data it has acquired with respect to its  
 24 investigation.

25 (b) If, on the date of the enactment of this Act, the  
 26 President (or his delegate) has not taken action under sec-

tion 302 (c) of the Trade Expansion Act of 1962 with respect to a report of the (314)Tariff Commission containing an affirmative finding under section 301 (c) of that Act or a report with respect to which an equal number of Commissioners are evenly divided, the Secretary may treat such report as a certification of eligibility made under section 251 of this Act on the date of the enactment of this Act.

(c) Any certification of eligibility of a firm under section 302 (c) of the Trade Expansion Act of 1962 made before the date of the enactment of this Act shall be treated as a certification of eligibility made under section 251 of this Act on the date of the enactment of this Act; except that any firm whose adjustment proposal was certified under section 311 of the Trade Expansion Act of 1962 before the date of the enactment of this Act may receive adjustment assistance at the level set forth in such certified proposal.

**SEC. 264. STUDY BY SECRETARY OF COMMERCE WHEN  
(315)TARIFF INTERNATIONAL TRADE COM-  
MISSION BEGINS INVESTIGATION; ACTION  
WHERE THERE IS AFFIRMATIVE FINDING.**

(a) Whenever the (316)Tariff Commission begins an investigation under section 201 with respect to an industry, the (317)Tariff Commission shall immediately notify the Secretary of such investigation, and the Secretary shall immediately begin a study of—



1           (1) the number of firms in the domestic industry  
2           producing the like or directly competitive article which  
3           have been or are likely to be certified as eligible for  
4           adjustment assistance, and

5           (2) the extent to which the orderly adjustment of  
6           such firms to the import competition may be facilitated  
7           through the use of existing programs.

8           (b) The report of the Secretary of the study under sub-  
9           section (a) shall be made to the President not later than  
10          15 days after the day on which the ~~(318)~~Tariff Commission  
11          makes its report under section 201. Upon making its report to  
12          the President, the Secretary shall also promptly make it  
13          public (with the exception of information which the Secre-  
14          tary determines to be confidential) and shall have a summary  
15          of it published in the Federal Register.

16          (c) Whenever the ~~(319)~~Tariff Commission makes an  
17          affirmative finding under section 201 (b) that increased im-  
18          ports are a substantial cause of serious injury or threat thereof  
19          with respect to an industry, the Secretary shall make avail-  
20          able, to the extent feasible, full information to the firms in such  
21          industry about programs which may facilitate the orderly  
22          adjustment to import competition of such firms, and he shall  
23          provide assistance in the preparation and processing of pe-  
24          titions and applications of such firms for program benefits.

1     **(320)CHAPTER 4—ADJUSTMENT ASSIST-**  
2                   **ANCE FOR COMMUNITIES**

3     **SEC. 271. PETITIONS AND DETERMINATIONS.**

4       (a) *A petition for certification of eligibility for adjust-*  
5     *ment assistance under this chapter may be filed with the Sec-*  
6     *retary of Commerce (hereinafter in this chapter referred to*  
7     *as the "Secretary") by a political subdivision of a State*  
8     *(hereinafter in this chapter referred to as a "community"),*  
9     *by a group of such communities, or by the Governor of a*  
10    *State on behalf of such communities. Upon receipt of the pe-*  
11    *tition, the Secretary shall promptly publish notice in the*  
12    *Federal Register that he has received the petition and initiated*  
13    *an investigation.*

14       (b) *If the petitioner, or any other person found by the*  
15    *Secretary to have a substantial interest in the proceedings,*  
16    *submits not later than 10 days after the Secretary's publica-*  
17    *tion of notice under subsection (a) a request for a hearing*  
18    *the Secretary shall provide for a public hearing and afford*  
19    *such interested persons an opportunity to be present, to pro-*  
20    *duce evidence, and to be heard.*

21       (c) *The Secretary shall certify a community as eligible*  
22    *for adjustment assistance under this chapter if he deter-*  
23    *mines—*

24           (1) *that a significant number or proportion of the*

1     *workers in the trade impacted area in which such com-*  
2     *munity is located have become totally or partially sepa-*  
3     *rated, or are threatened to become totally or partially*  
4     *separated,*

5         *(2) that sales or production, or both, of firms, or*  
6     *subdivisions of firms, located in the trade impacted area*  
7     *specified in paragraph (1) have decreased absolutely,*  
8     *and*

9         *(3) that absolute increases of imports of articles like*  
10    *or directly competitive with articles produced by firms, or*  
11    *subdivisions of firms, located in the trade impacted area*  
12    *specified in paragraph (1) or that the transfer of firms*  
13    *or subdivisions of firms located in such area to foreign*  
14    *countries have contributed importantly to the total or*  
15    *partial separations, or threats thereof, described in para-*  
16    *graph (1) and to the decline in sales or production*  
17    *described in paragraph (2).*

18    *For purposes of paragraph (3), the term "contributed*  
19    *importantly" means a cause which is important but not neces-*  
20    *sarily more important than any other cause.*

21         *(d) As soon as possible after the date on which a petition*  
22    *is filed under this section, but in any event not later than 60*  
23    *days after that date, the Secretary shall determine whether the*  
24    *petitioning community, or group of communities, meets the*  
25    *requirements of subsection (c) and shall issue a certification*

1 of eligibility for assistance under this chapter covering any  
2 community located in the same trade impacted area in which  
3 the petitioner is located which meets such requirements.

4 (e) The Secretary, after consulting the Secretary of  
5 Labor, shall establish the size and boundaries of each trade  
6 impacted area, considering the criteria in subsection (c) and,  
7 to the extent they are relevant, the factors specified as criteria  
8 for redevelopment areas under section 401 of the Public  
9 Works and Economic Development Act of 1965.

10 (f) If the Secretary determines that a community re-  
11 quires no additional assistance under this chapter, he shall  
12 terminate the certification of eligibility of such community and  
13 promptly have notice of such termination published in the  
14 Federal Register. Such termination shall take effect on the  
15 termination date specified by the Secretary.

16 **SEC. 272. TRADE IMPACTED AREA COUNCILS.**

17 (a) Within 60 days after a community is certified under  
18 section 271, the Secretary shall send his representatives to  
19 the trade impacted area in which such community is located  
20 to inform officials of communities and other residents of such  
21 area about benefits available to them under this Act and to  
22 assist such officials and residents in establishing a Trade  
23 Impacted Area Council for Adjustment Assistance (herein-  
24 after in this chapter referred to as the "Council") for such  
25 area.

1       **(b)(1)** *The Secretary shall establish, subject to the last*  
2 *sentence of this paragraph, a Council for each trade impacted*  
3 *area in which one or more communities are certified under*  
4 *section 271. Such Council shall—*

5           **(A)** *develop a proposal for an adjustment assistance*  
6 *plan for the economic rejuvenation of certified communi-*  
7 *ties in its trade impacted area, and*

8           **(B)** *coordinate community action under the adjust-*  
9 *ment assistance plan, as approved by the Secretary.*

10 *If an appropriate entity for purposes of performing the*  
11 *functions specified in subparagraphs (A) and (B) already*  
12 *exists in such area, then the Secretary may designate such*  
13 *entity as the Council for such area.*

14       **(2)** *Such Council shall include representatives of certi-*  
15 *fied communities, industry, labor, and the general public*  
16 *located in the trade impacted area covered by the Council.*

17       **(c)** *Upon application by a Council established under sub-*  
18 *section (b), the Secretary is authorized to make grants to*  
19 *such Council for maintaining an appropriate professional*  
20 *and clerical staff. No grant shall be made to a Council to*  
21 *maintain staff after the period which ends 2 years after the*  
22 *date on which such Council is established or designated.*

23       **(d)** *A Council established under this section may file an*  
24 *application with the Secretary for adjustment assistance*  
25 *under this chapter. Such application shall include the*

1 *Council's proposal for an adjustment assistance plan for the*  
2 *communities in its trade impacted area.*

3 **SEC. 273. PROGRAM BENEFITS.**

4 *(a) Adjustment assistance under this chapter consists*  
5 *of—*

6 *(1) all forms of assistance, other than loan guaran-*  
7 *tees, which are provided to a redevelopment area under*  
8 *the Public Works and Economic Development Act of*  
9 *1965, and*

10 *(2) the loan guarantee program described in sub-*  
11 *section (d).*

12 *(b) No adjustment assistance may be extended to any*  
13 *community or person in a trade impacted area under this*  
14 *chapter unless the Secretary approves the adjustment assist-*  
15 *ance plan submitted to him under section 272(d).*

16 *(c) For purposes of the Public Works and Economic*  
17 *Development Act of 1965—*

18 *(1) a trade impacted area for which an adjustment*  
19 *assistance plan has been approved under section 272(d)*  
20 *shall be treated as a redevelopment area, except that—*

21 *(A) no loan guarantees may be made to any*  
22 *person under such Act; and*

23 *(B) no loan or grant may be made to any re-*

1           *ipient in such an area after September 30, 1980,*

2           *and*

3           *(2) approval of an adjustment assistance plan sub-*  
4           *mitted under section 272(d) shall be treated as approval*  
5           *of an overall economic development program under sec-*  
6           *tion 202(b)(10) of such Act.*

7           *(d) The Secretary is authorized to guarantee loans*  
8           *for—*

9           *(1) the acquisition, construction, installation,*  
10           *modernization, development, conversion, or expansion*  
11           *of land, plant, buildings, equipment, facilities, or*  
12           *machinery, and*

13           *(2) working capital,*  
14           *made to private borrowers by private lending institutions in*  
15           *connection with projects in trade impacted areas subject to*  
16           *the same terms and conditions to which loan guarantees are*  
17           *subject under section 202 of the Public Works and Eco-*  
18           *nomie Development Act of 1965, including record and*  
19           *audit requirements and penalties, except that—*

20           *(1) no loan guarantee may be made unless the joint*  
21           *liability requirement described in subsection (e) is met,*

22           *(2) no loan guarantee may be made to a corporation*  
23           *unless the employee stock ownership requirement de-*  
24           *scribed in subsection (f) is met,*

25           *(3) no new loan guarantee may be made under this*  
26           *subsection after September 30, 1980,*

1           (4) a loan guarantee may be made for the entire  
2           amount of the outstanding unpaid balance of such loan,  
3           and

4           (5) no more than 20 percent of the amount of loan  
5           guarantees made under this subsection may be made in  
6           one State.

7           (e)(1) No loan guarantee may be made under subsec-  
8           tion (d) unless—

9           (A) the Governor of the State,

10          (B) the authorized representative of the community,

11          or

12          (C) the Governor of the State and the authorized  
13          representative of the community

14          in which the applicant for such guarantee is located signs a  
15          commitment to the Secretary pledging such portion of—

16          (i) the State government entitlement for one entitle-  
17          ment period under section 107 of the State and Local  
18          Fiscal Assistance Act of 1972 (31 U.S.C. 1226) (here-  
19          inafter referred to in this subsection as the “1972 Act”),

20          (ii) the local government entitlement for one entitle-  
21          ment period under section 108 of the 1972 Act (31  
22          U.S.C. 1227), or

23          (iii) the State government and local government  
24          entitlements for one entitlement period under sections 107  
25          and 108 of the 1972 Act, allocated between the State and



1        *local government entitlements in the manner such govern-*  
2        *ments agree upon,*  
3        *as is equal to one-half the amount of any liability which arises*  
4        *on such loan guarantee.*

5        *(2) The total amount of all portions of entitlement under*  
6        *the 1972 Act which a State or community may pledge for*  
7        *loan guarantees under paragraph (1) which are outstanding*  
8        *during any entitlement period may not exceed the amount to*  
9        *which such State or community was entitled under such Act*  
10       *during the previous entitlement period, unless the previous*  
11       *entitlement period was 6 months long, in which case the total*  
12       *amount of all such portions outstanding may not exceed twice*  
13       *the amount to which such State or community was entitled*  
14       *under such Act during such previous entitlement period.*

15       *(3) The requirement set forth in paragraph (1) shall*  
16       *be considered to have been met if the State in which the appli-*  
17       *cant for such guarantee is located has established by law a*  
18       *program, which is approved by the Secretary for purposes of*  
19       *this section, to pay one-half the amount of any liability which*  
20       *arises on a loan guarantee made under subsection (d).*

21       *(4) Section 107 of the 1972 Act (relating to State*  
22       *government entitlement) is amended by adding at the end*  
23       *thereof the following new subsection:*

1       “(c) *REDUCTION IN ENTITLEMENT TO COVER LIA-*  
 2       *BILITY ON CERTAIN LOAN GUARANTEES.—*

3               “(1) *GENERAL RULE.—The entitlement of a State*  
 4       *government for an entitlement period beginning after*  
 5       *June 30, 1976, shall be reduced by an amount which is*  
 6       *equal to one-half the amount, if any, of the liability*  
 7       *which arose during the preceding entitlement period*  
 8       *on each community readjustment assistance loan guar-*  
 9       *antee for which the Governor of such State signed a com-*  
 10       *mitment to the Secretary of Commerce under section 273*  
 11       *of the Trade Act of 1974. If the Governor signed such*  
 12       *a commitment jointly with the authorized representative*  
 13       *of a local government, then such State government entitle-*  
 14       *ment shall be reduced by the proportion of one-half the*  
 15       *amount of such liability which is specified in such*  
 16       *joint commitment. For purposes of subsection (b)(1)*  
 17       *(A), the amount of any reduction in the entitlement*  
 18       *of a State government under this subsection for an*  
 19       *entitlement period shall, for subsequent entitlement*  
 20       *periods, be treated as an amount transferred by the*  
 21       *State government (out of its own sources) during such*  
 22       *period to units of local government in such State.*

23               “(2) *REDUCTION IN ENTITLEMENT.—As soon as*  
 24       *is practical, the Secretary of Commerce shall notify the*  
 25       *Secretary as to the amount of liability which arises on*

1     *any loan guarantee for which the Governor of a State*  
 2     *signed a commitment under section 273 of the Trade*  
 3     *Act of 1974. The Secretary shall—*

4             *“(A) determine the amount of reduction which*  
 5             *paragraph (1) requires in the entitlement of such*  
 6             *State government for the appropriate entitlement*  
 7             *period,*

8             *“(B) shall notify the Governor of such State of*  
 9             *such determination, and*

10            *“(C) shall withhold from subsequent payments*  
 11            *to such State government under this subchapter an*  
 12            *amount equal to such reduction.*

13            *“(3) TRANSFER TO GENERAL FUND.—An amount*  
 14            *equal to the reduction in entitlement of any State govern-*  
 15            *ment which results from the application of this subsec-*  
 16            *tion (after any judicial review under section 143 of this*  
 17            *title) shall be transferred from the Trust Fund to the*  
 18            *general fund of the Treasury on the day on which such*  
 19            *reduction becomes final.”*

20            *(4) Section 108(b)(7) (relating to local government*  
 21            *entitlement) is amended by adding at the end thereof the fol-*  
 22            *lowing new subparagraph:*

23            *“(D) REDUCTION IN ENTITLEMENT TO COVER*  
 24            *LIABILITY ON CERTAIN LOAN GUARANTEES.—*

25            *“(i) The entitlement of a local government under*  
 26            *subsection (b) for an entitlement period beginning*

1       *after June 30, 1976, shall be reduced by an amount*  
2       *which is equal to one-half the amount, if any, of the*  
3       *liability which arose during the preceding entitlement*  
4       *period on each community readjustment assistance*  
5       *loan guarantee for which the authorized representa-*  
6       *tive of such local government signed a commitment*  
7       *to the Secretary of Commerce under section 273 of*  
8       *the Trade Act of 1974. If the authorized represent-*  
9       *ative signed such a commitment jointly with the*  
10       *Governor of the State, such local government entitle-*  
11       *ment shall be reduced by the proportion of one-*  
12       *half the amount of such liability which is specified in*  
13       *such joint commitment.*

14       *“(ii) As soon as is practical, the Secretary of*  
15       *Commerce shall notify the Secretary as to the amount*  
16       *of liability which arises on any loan guarantee for*  
17       *which the authorized representative of a local gov-*  
18       *ernment sign a commitment under section 273 of the*  
19       *Trade Act of 1974. The Secretary shall determine*  
20       *the amount of reduction which clause (i) requires*  
21       *in the entitlement of such local government for the*  
22       *appropriate entitlement period, notify such local gov-*  
23       *ernment of such determination, and withhold from*  
24       *subsequent payments to such local government under*  
25       *this subchapter an amount equal to such reduction.*

“(iii) *An amount equal to the reduction in entitlement of any local government which results from the application of this subparagraph (after any judicial review under section 143 of this title) shall be transferred from the Trust Fund to the general fund of the Treasury on the day on which such reduction becomes final.*”.

(5) *Section 143(a) of such Act is amended by—*

(A) *striking out “Any State” and inserting in lieu thereof “Any State or unit of local government”, and*

(B) *inserting immediately after “107(b)” the following: “or (c) or section 108(b)”.*

(f)(1) *A loan to a corporation (hereinafter referred to as the “recipient corporation”) may not be guaranteed under subsection (d) unless—*

(A) *25 percent of the principal amount of the loan is paid by the lender to a qualified trust established under an employee stock ownership plan established and maintained by the recipient corporation, by a parent or subsidiary of such corporation, or by several corporations including the recipient corporation,*

(B) *the employee stock ownership plan meets the requirements of this subsection, and*

(C) *the agreement among the recipient corporation, the lender, and the qualified trust relating to the loan meets the requirements of this section.*

1       (2) *An employee stock ownership plan does not meet the*  
2 *requirements of this section unless the governing instrument*  
3 *of the plan provides that—*

4           (A) *the amount of the loan paid under paragraph*  
5 *(1)(A) to the qualified trust will be used to purchase*  
6 *qualified employer securities,*

7           (B) *the qualified trust will repay to the lender the*  
8 *amount of such loan, together with the interest thereon,*  
9 *out of amounts contributed to the trust by the recipient*  
10 *corporation, and*

11          (C) *from time to time, as the qualified trust repays*  
12 *such amount, the trust will allocate qualified employer*  
13 *securities among the individual accounts of participants*  
14 *and their beneficiaries in accordance with the provisions*  
15 *of paragraph (4).*

16       (3) *The agreement among the recipient corporation, the*  
17 *lender, and the qualified trust does not meet the requirements*  
18 *of this section unless—*

19           (A) *it is unconditionally enforceable by any party*  
20 *against the others, jointly and severally,*

21           (B) *it provides that the liability of the qualified trust*  
22 *to repay loan amounts paid to the qualified trust may not,*  
23 *at any time, exceed an amount equal to the amount of*  
24 *contributions required under paragraph (2)(B) which*  
25 *are actually received by such trust,*

1           (C) it provides that amounts received by the re-  
2       recipient corporation from the qualified trust for qualified  
3       employer securities purchased for the purpose of this sub-  
4       section will be used exclusively by the recipient corpora-  
5       tion for those purposes for which it may use that portion  
6       of the loan paid directly to it by the lender,

7           (D) it provides that the recipient corporation may  
8       not reduce the amount of its equity capital during the  
9       one year period beginning on the date on which the  
10      qualified trust purchases qualified employer securities for  
11      purposes of this subsection, and

12          (E) it provides that the recipient corporation will  
13      make contributions to the qualified trust of not less than  
14      such amounts as are necessary for such trust to meet its  
15      obligation to make repayments of principal and interest  
16      on the amount of the loan received by the trust without  
17      regard to whether such contributions are deductible by  
18      the corporation under section 404 of the Internal  
19      Revenue Code of 1954 and without regard to any other  
20      amounts the recipient corporation is obligated under law  
21      to contribute to or under the employee stock ownership  
22      plan.

23          (4) At the close of each plan year, an employee stock  
24      ownership plan shall allocate to the accounts of participating  
25      employees that portion of the qualified employer securities

1 the cost of which bears substantially the same ratio to the  
 2 cost of all the qualified employer securities purchased under  
 3 paragraph (2)(A) of this subsection as the amount of the  
 4 loan principal and interest repaid by the qualified trust dur-  
 5 ing that year bears to the total amount of the loan principal  
 6 and interest payable by such trust during the term of such  
 7 loan. Qualified employer securities allocated to the individual  
 8 account of a participant during one plan year must bear  
 9 substantially the same proportion to the amount of all such  
 10 securities allocated to all participants in the plan as the  
 11 amount of compensation paid to such participant bears to  
 12 the total amount of compensation paid to all such participants  
 13 during that year.

14 (5) For purposes of this subsection, the term—

15 (A) “employee stock ownership plan” means a plan  
 16 described in section 407(d)(6) of the Employee Retire-  
 17 ment Income Security Act of 1974, section 4975(e)(7)  
 18 of the Internal Revenue Code of 1954, and in section  
 19 102(5) of the Regional Rail Reorganization Act of  
 20 1973, which meets the requirements of title I of the Em-  
 21 ployee Retirement Income Security Act of 1974 and of  
 22 part I of subchapter D of chapter 1 of such Code,

23 (B) “qualified trust” means a trust established  
 24 under an employee stock ownership plan and meeting  
 25 the requirements of title I of the Employee Retirement



1        *Income Security Act of 1974 and of part I of subchapter*  
2        *D of chapter 1 of such Code,*

3            (C) "*qualified employer securities*" means common  
4        *stock issued by the recipient corporation or by a parent*  
5        *or subsidiary of such corporation with voting power and*  
6        *dividend rights no less favorable than the voting power*  
7        *and dividend rights on other common stock issued by the*  
8        *issuing corporation and with voting power being exer-*  
9        *cised by the participants in the employee stock ownership*  
10       *plan after it is allocated to their plan accounts, and*

11           (D) "*equity capital*" means, with respect to the  
12       *recipient corporation, the sum of its money and other*  
13       *property (in an amount equal to the adjusted basis of*  
14       *such property but disregarding adjustments made*  
15       *on account of depreciation or amortization made during*  
16       *the period described in paragraph (3)(D)), less the*  
17       *amount of its indebtedness.*

18        (g)(1) *The Federal Government share of loan guaran-*  
19       *tees made under subsection (d) on loans which are outstand-*  
20       *ing at any time may not exceed \$500,000,000.*

21           (2) *For purposes of paragraph (1), the Federal Gov-*  
22       *ernment share of a loan guarantee made under subsection*  
23       (c) *is one-half the amount of such loan guarantee.*

1    **SEC. 274. COMMUNITY ADJUSTMENT ASSISTANCE FUND**  
2                                    **AND AUTHORIZATION OF APPROPRIATIONS.**

3            *(a) There is established on the books of the Treasury of*  
4    *the United States a revolving fund to be known as the Com-*  
5    *munity Adjustment Assistance Fund. The fund shall consist*  
6    *of such amounts as may be deposited in it pursuant to the*  
7    *authorization in subsection (b) and any collections, repay-*  
8    *ments of loans, or other receipts received under the program*  
9    *established in section 273(a). Amounts in the fund may be*  
10   *used only to carry out the provisions of sections 272 and*  
11   *273(b), including administrative costs. Amounts appropri-*  
12   *ated to the fund shall be available to the Secretary without*  
13   *fiscal year limitation. Upon liquidation of all remaining obli-*  
14   *gations, any balances remaining in the fund after Septem-*  
15   *ber 30, 1980, shall be transferred to the general fund of*  
16   *the Treasury.*

17           *(b) There are authorized to be appropriated to the Com-*  
18   *munity Adjustment Assistance Fund, for the purpose of*  
19   *carrying out the provisions of sections 272 and 273(a),*  
20   *\$100,000,000 for the fiscal year ending June 30, 1975, and*  
21   *such sums as may be necessary for the succeeding 5 fiscal*  
22   *years.*

23           *(c) There are authorized to be appropriated to the Sec-*  
24   *retary such sums as may be necessary for carrying out the*  
25   *loan guarantee program under section 273(d).*

**(321)CHAPTER 5—MISCELLANEOUS  
PROVISIONS**

**(322)SEC. 280. GENERAL ACCOUNTING OFFICE REPORT.**

*(a) The Comptroller General of the United States shall conduct a study of the adjustment assistance programs established under chapters 2, 3, and 4 of this title and shall report the results of such study to the Congress no later than January 30, 1979. Such report shall include an evaluation of—*

*(1) the effectiveness of such programs in aiding workers, firms, and communities to adjust to changed economic conditions resulting from changes in the patterns of international trade; and*

*(2) the coordination of the administration of such programs and other Government programs which provide unemployment compensation and relief to depressed areas.*

*(b) In carrying out his responsibilities under this section, the Comptroller General shall, to the extent practical, avail himself of the assistance of the Departments of Labor and Commerce. The Secretaries of Labor and Commerce shall make available to the Comptroller General any assistance necessary for an effective evaluation of the adjustment assistance programs established under this title.*

1   **(323)SEC. 281. COORDINATION.**

2       *There is established the Adjustment Assistance Coordi-*  
3   *nating Committee to consist of a Deputy Special Trade Rep-*  
4   *resentative as Chairman, and the officials charged with ad-*  
5   *justment assistance responsibilities of the Departments of La-*  
6   *bor and Commerce and the Small Business Administration.*  
7   *It shall be the function of the Committee to coordinate the*  
8   *adjustment assistance policies, studies, and programs of the*  
9   *various agencies involved and to promote the efficient and*  
10   *effective delivery of adjustment assistance benefits.*

11   **(324)SEC. 282. TRADE MONITORING SYSTEM.**

12       *The Secretary of Commerce and the Secretary of Labor*  
13   *shall establish and maintain programs—*

14           *(1) to monitor imports of articles into the United*  
15       *States which will reflect changes in the volume of such*  
16       *imports, the relation of such imports to changes in do-*  
17       *mestic production, changes in employment within do-*  
18       *mestic industries producing articles like or directly*  
19       *competitive with such imports, and the extent to which*  
20       *such changes in production and employment are con-*  
21       *centrated in specific geographic regions of the United*  
22       *States, and*

23           *(2) to systematically gather information about the*  
24       *international operations of each multinational corpora-*  
25       *tion doing business in the United States including—*

1           (A) the amount of total direct investment by  
2           such corporation in each foreign affiliate of such cor-  
3           poration by product line, amount of income received  
4           by such corporation from each such affiliate, the  
5           amount of consolidated net income of each such for-  
6           eign affiliate, the amount of taxes actually paid by  
7           such corporation and by each such foreign affiliate  
8           with respect to foreign affiliate operations, and infor-  
9           mation about all mergers, acquisitions, liquidations,  
10          and investments in foreign countries involving such  
11          corporation;

12          (B) the gross sales by product line of such  
13          corporation and of each foreign affiliate of such cor-  
14          poration in each foreign country in which such affli-  
15          ate is doing business, the dollar amount by product  
16          line of articles which such corporation imports from  
17          each foreign country and of articles which such cor-  
18          poration exports to each foreign country, the dollar  
19          amount of trade by product line which such corpora-  
20          tion carries on with each such foreign affiliate,

21          (C) employment data showing the number of  
22          foreign employees of such corporation and of each  
23          foreign affiliate of such corporation by country and  
24          by the level of compensation of such employees,

1           (D) the dollar amount of research and develop-  
2           ment expenditures by such corporation in foreign  
3           countries by country and by activity, and

4           (E) the location and name of all branches of  
5           such corporation and each foreign affiliate of such  
6           corporation located in foreign countries, and the total  
7           assets, income, and a description of the product line  
8           of such branch and such affiliate.

9   A summary of the information gathered under subsections  
10 (a) and (b) shall be published regularly and provided to  
11 the Adjustment Assistance Coordinating Committee, the  
12 International Trade Commission, and to the Congress.

13 **(325)SEC. 283. FIRMS RELOCATING IN FOREIGN COUN-**  
14 **TRIES.**

15       Before moving productive facilities from the United  
16 States to a foreign country, every firm should—

17       (1) provide notice of the move to its employees who  
18       are likely to be totally or partially separated as a result  
19       of the move at least 60 days before the date of such move,

20       (2) provide notice of the move to the Secretary of  
21 Labor and the Secretary of Commerce on the same day  
22 it notifies employees under paragraph (1),

23       (3) apply for and use all adjustment assistance for  
24 which it is eligible under this title,

- 1           (4) offer employment opportunities in the United  
 2 States, if any exist, to its employees who are totally or  
 3 partially separated workers as a result of the move, and  
 4           (5) assist in relocating employees to other locations  
 5 in the United States where employment opportunities  
 6 exist.

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7 **(326)SEC. 284. EFFECTIVE DATE.**

8       Chapters 2, 3, and 4 of this title shall become effective  
 9 on the 90th day following the date of enactment of this  
 10 Act and shall terminate on September 30, 1980.

11 **TITLE III—RELIEF FROM UNFAIR**  
 12 **TRADE PRACTICES**

13 **CHAPTER 1—FOREIGN IMPORT RESTRIC-**  
 14 **TIONS AND EXPORT SUBSIDIES**

15 **SEC. 301. RESPONSES TO CERTAIN TRADE PRACTICES OF**  
 16 **FOREIGN GOVERNMENTS.**

17       (a) Whenever the President determines that a foreign  
 18 country or instrumentality—

19           (1) maintains unjustifiable or unreasonable tariff  
 20 or other import restrictions which impair the value of  
 21 trade commitments made to the United States or which  
 22 burden, restrict, or discriminate against United States  
 23 commerce,

24           (2) engages in discriminatory or other acts or  
 25 policies which are unjustifiable or unreasonable and

1       which burden or restrict United States commerce,  
2       **(327)**~~or~~

3           (3) provides subsidies (or other incentives having  
4       the effect of subsidies) on its exports of one or more  
5       products to the United States or to other foreign mar-  
6       kets which have the effect of substantially reducing sales  
7       of the competitive United States product or products in  
8       the United States or in those other foreign markets,  
9       **(328)***or*

10       **(329)***(4) imposes unjustifiable or unreasonable restric-*  
11       *tions on access to supplies of food, raw materials, or man-*  
12       *ufactured or semimanufactured products which burden*  
13       *or restrict United States commerce,*

14       the President shall take all appropriate and feasible steps  
15       within his power to obtain the elimination of such restric-  
16       tions or subsidies, and he—

17           (A) may suspend, withdraw, or prevent the appli-  
18       cation of, or may refrain from proclaiming, benefits of  
19       trade agreement concessions to carry out a trade agree-  
20       ment with such country or instrumentality; and

21           (B) may impose duties or other import restrictions  
22       on the products of such foreign country or **(330)**~~instru-~~  
23       *mentality instrumentality, and may impose fees or re-*  
24       *strictions on the services of such foreign country or in-*  
25       *strumentality, for such time as he deems appropriate.*



1 **(331)** *For purposes of this subsection, the term "commerce"*  
 2 *includes services associated with the international trade.*

3 **(332)(b)** *In determining what action to take under subsec-*  
 4 *tion (a), the President shall consider the relationship of such*  
 5 *action to the international obligations of the United States*  
 6 *and to the purposes stated in section 2. Any action taken*  
 7 *under subsection (a) may be on a nondiscriminatory treat-*  
 8 *ment basis or otherwise; except that, in the case of a restric-*  
 9 *tion, act, policy, or practice of any foreign country or instru-*  
 10 *mentality which is unreasonable but not unjustifiable, the*  
 11 *action taken under subsection (a) shall be taken only with*  
 12 *respect to such country or instrumentality.*

13 *(b) In determining what action to take under subsection*  
 14 *(a), the President shall consider the relationship of such*  
 15 *action to the purposes of this Act. Action shall be taken under*  
 16 *subsection (a) against the foreign country or instrumentality*  
 17 *involved, except that, subject to the provisions of section 302,*  
 18 *any such action may be taken on a nondiscriminatory treat-*  
 19 *ment basis.*

20 **(c)** *The President in making a determination under this*  
 21 *section, may take action under subsection (a) (3) with*  
 22 *respect to the exports of a product to the United States*  
 23 *by a foreign country or instrumentality if—*

24 *(1) the Secretary of the Treasury has found that*  
 25 *such country or instrumentality provides subsidies, (or*

1 other incentives having the effect of subsidies) on such  
2 exports;

3 (2) the ~~(333)~~Tariff International Trade Commis-  
4 sion has found that such exports to the United States  
5 have the effect of substantially reducing sales of the com-  
6 petitive United States product or products in the United  
7 States; and

8 (3) the President finds that the Antidumping  
9 Act, 1921, and section 303 of the Tariff Act of 1930  
10 are inadequate to deter such practices.

11 ~~(334)(d)~~ The President shall provide an opportunity for the  
12 presentation of views concerning the import restrictions,  
13 acts, policies, or practices referred to in paragraph (1), (2),  
14 or (3) of subsection (a). Upon request by any interested  
15 person, the President shall provide for appropriate public  
16 hearings with respect to such restrictions, acts, policies, or  
17 practices after reasonable notice, and he shall provide for  
18 the issuance of regulations concerning the conduct of hear-  
19 ings under this subsection and subsection (c).

20 (d)(1) The President shall provide an opportunity for  
21 the presentation of views concerning the restrictions, acts,  
22 policies, or practices referred to in paragraphs (1), (2),  
23 (3), and (4) of subsection (a).

24 (2) Upon complaint filed by any interested party with  
25 the Special Representative for Trade Negotiations alleging

1 any such restriction, act, policy, or practice, the Special  
 2 Representative shall conduct a review of the alleged restric-  
 3 tion, act, policy, or practice, and, at the request of the com-  
 4 plainant, shall conduct public hearings thereon. The Special  
 5 Representative shall have a copy of each complaint filed  
 6 under this paragraph published in the Federal Register. The  
 7 Special Representative shall issue regulations concerning the  
 8 filing of complaints and the conduct of reviews and hearings  
 9 under this paragraph and shall submit a report to the House  
 10 of Representatives and the Senate semi-annually summariz-  
 11 ing the reviews and hearings conducted by it under this  
 12 paragraph during the preceding 6-month period.

13 (335)(e) Before the President takes any action under sub-  
 14 section (a) with respect to the import treatment of any  
 15 product—

16 (1) he shall provide an opportunity for the pres-  
 17 entation of views concerning the taking of action with  
 18 respect to such product,

19 (2) upon request by any interested person, he  
 20 shall provide for appropriate public hearings with re-  
 21 spect to the taking of action with respect to such prod-  
 22 uct, and

23 (3) he may request the Tariff Commission for its  
 24 views as to the probable impact on the economy of the  
 25 United States of the taking of action with respect to  
 26 such product.

1       (e) Before the President takes any action under sub-  
2 section (a) with respect to the import treatment of any prod-  
3 uct or the treatment of any service—

4           (1) he shall provide an opportunity for the presen-  
5 tation of views concerning the taking of action with re-  
6 spect to such product or service,

7           (2) upon request by any interested person, he shall  
8 provide for appropriate public hearings with respect  
9 to the taking of action with respect to such product or  
10 service, and

11          (3) he may request the International Trade Com-  
12 mission for its views as to the probable impact on the  
13 economy of the United States of the taking of action  
14 with respect to such product or service.

15 If the President determines that, because of the need for  
16 expeditious action under subsection (a), compliance with  
17 paragraphs (1) and (2) would be contrary to the national  
18 interest, then such paragraphs shall not apply with respect  
19 to such action, but he shall thereafter promptly provide an  
20 opportunity for the presentation of views concerning the  
21 action taken and, upon request by any interested person,  
22 shall provide for appropriate public hearings with respect  
23 to the action taken. The President shall provide for the  
24 issuance of regulations concerning the filing of requests for,  
25 and the conduct of, hearings under this subsection.

1   **SEC. 302. PROCEDURE FOR CONGRESSIONAL DISAPPROVAL**  
2                   **OF CERTAIN ACTIONS TAKEN UNDER SEC-**  
3                   **TION 301.**

4       (a) Whenever the President takes any action under sub-  
5 paragraph (A) or (B) of section 301 (a) ~~(336)~~ *with respect*  
6 *to any country or instrumentality other than the country or*  
7 *instrumentality whose restriction, act, policy, or practice was*  
8 *the cause for taking such action*, he shall promptly transmit  
9 to the House of Representatives and to the Senate a docu-  
10 ment setting forth the action which he has so taken, together  
11 with his reasons therefor.

12 ~~(337)~~ (b) If, before the close of the 90-day period beginning  
13 on the day on which the copy of the document referred to in  
14 subsection (a) is delivered to the House of Representatives  
15 and to the Senate, either the House of Representatives or the  
16 Senate adopts, by an affirmative vote of a majority of those  
17 present and voting in that House, a resolution of disapproval  
18 under the procedures set forth in section 151, then such  
19 action under section 301 (a) shall have no force and effect  
20 beginning with the day after the date of the adoption of such  
21 resolution of disapproval.

22       (b) If, before the close of the 90-day period beginning  
23 on the day on which the document referred to in subsection  
24 (a) is delivered to the House of Representatives and to the  
25 Senate, the two Houses adopt, by an affirmative vote of a

1 majority of those present and voting in each House, a con-  
 2 current resolution of disapproval under the procedures set  
 3 forth in section 152, then such action under section 301(a)  
 4 shall have no force and effect beginning with the day after the  
 5 date of the adoption of such concurrent resolution of disap-  
 6 proval, except with respect to the country or instrumentality  
 7 whose restriction, act, policy, or practice was the cause for  
 8 taking such action.

## 9 CHAPTER 2—ANTIDUMPING DUTIES

### 10 SEC. 321. AMENDMENTS TO THE ANTIDUMPING ACT OF 11 1921.

12 (338)(a) Section 201(b) of the Antidumping Act, 1921  
 13 (19 U.S.C. sec. 160(b)), is amended to read as follows:

14 “(b) In the case of any imported merchandise of a class  
 15 or kind as to which the Secretary has not so made public a  
 16 finding, he shall, within six months, or in more complicated  
 17 investigations within nine months, after the question of dump-  
 18 ing was raised by or presented to him or any person to whom  
 19 authority under this section has been delegated—

20 “(1) determine whether there is reason to believe  
 21 or suspect, from the invoice or other papers or from  
 22 information presented to him or to any other person to  
 23 whom authority under this section has been delegated,  
 24 that the purchase price is less, or that the exporter's  
 25 sales price is less or likely to be less, than the foreign

1 market value (or, in the absence of such value, than  
2 the constructed value); and

3 “(2) if his determination is affirmative, publish a  
4 notice of that fact in the Federal Register, and require,  
5 under such regulations as he may prescribe, the with-  
6 holding of appraisement as to such merchandise entered,  
7 or withdrawn from warehouse for consumption, on or  
8 after the date of publication of that notice in the Federal  
9 Register (unless the Secretary determines that the with-  
10 holding should be made effective as of an earlier date not  
11 more than one hundred and twenty days before the ques-  
12 tion of dumping was raised by or presented to him or any  
13 person to whom authority under this section has been  
14 delegated, in which case the effective date of the with-  
15 holding shall be such earlier date), until the further order  
16 of the Secretary, or until the Secretary has made public  
17 a finding as provided for in subsection (a) in regard to  
18 such merchandise; or

19 “(3) if his determination is negative (or if he  
20 tentatively determines that the investigation should be  
21 discontinued), publish notice of that fact in the Federal  
22 Register, but the Secretary may within three months  
23 thereafter order the withholding of appraisement if he  
24 then has reason to believe or suspect, from the invoice or  
25 other papers or from information presented to him or to

1       any other person to whom authority under this section  
 2       has been delegated, that the purchase price is less, or that  
 3       the exporter's sales price is less or likely to be less, than  
 4       the foreign market value (or, in the absence of such  
 5       value, than the constructed value) and such order of  
 6       withholding of appraisement shall be subject to the pro-  
 7       visions of paragraph (2). If no withholding of appraise-  
 8       ment is ordered within such three-month period, the  
 9       Secretary shall, not later than the close of such period,  
 10      issue a determination terminating or discontinuing the  
 11      investigation.

12   For purposes of this subsection, the question of dumping shall  
 13   be deemed to have been raised or presented on the date on  
 14   which a notice is published in the Federal Register that  
 15   information relative to dumping has been received in accord-  
 16   ance with regulations prescribed by the Secretary."

17       (b) Section 201(c) of the Antidumping Act, 1921 (19  
 18   U.S.C. sec. 160(c)), is amended to read as follows:

19       "(c)(1) Before making any determination pursuant to  
 20   subsection (a) of this section, the Secretary or the Tariff  
 21   Commission, as the case may be, shall conduct a hearing at  
 22   which—

23       "(A) any foreign manufacturer or exporter or  
 24   domestic importer of the foreign merchandise in question  
 25   shall have the right to appear by counsel or in person;  
 26   and



1           “(B) any other person, firm, or corporation may  
2       make application and, upon good cause shown, may be  
3       allowed by the Secretary or the Tariff Commission, as  
4       the case may be, to intervene and appear at such hearing  
5       by counsel or in person.

6           “(2) The Secretary, upon determining whether for-  
7       eign merchandise is being, or is likely to be, sold in the  
8       United States at less than its fair value, and the Tariff  
9       Commission, upon making its determination under subsec-  
10      tion (a), shall publish in the Federal Register such deter-  
11      mination, whether affirmative or negative, together with a  
12      statement of findings and conclusions, and the reasons or  
13      bases therefor, on all the material issues of fact or law pre-  
14      sented.

15          “(3) The hearings provided for under this section shall  
16      be exempt from sections 554, 555, 556, 557, and 702 of  
17      title 5 of the United States Code. The transcript of any  
18      hearing, together with all information developed in connec-  
19      tion with the investigation (other than items to which confi-  
20      dential treatment has been granted by the Secretary or the  
21      Tariff Commission, as the case may be), shall be made  
22      available in the manner and to the extent provided in section  
23      552(b) of such title 5.”

24          (a) Section 201 of the Antidumping Act, 1921 (19  
25      U.S.C. 160), is amended—

1           (1) by striking out "United States Tariff Commis-  
 2           sion" in subsection (a) and inserting in lieu thereof  
 3           "United States International Trade Commission (here-  
 4           inafter called the 'Commission')", and by striking out  
 5           "said" each place it appears in such subsection; and

6           (2) by striking out subsections (b) and (c) and  
 7           inserting in lieu thereof the following:

8           "(b)(1) In the case of any imported merchandise of a  
 9           class or kind as to which the Secretary has not so made pub-  
 10          lic a finding, he shall, within six months after the publication  
 11          under subsection (c)(1) of a notice of initiation of an  
 12          investigation—

13           "(A) determine whether there is reason to believe  
 14           or suspect, from the invoice or other papers or from  
 15           information presented to him or to any other person to  
 16           whom authority under this section has been delegated,  
 17           that the purchase price is less, or that the exporter's  
 18           sales price is less or likely to be less, than the foreign  
 19           market value (or, in the absence of such value, than the  
 20           constructed value); and

21           "(B) if his determination is affirmative, publish a  
 22           notice of that fact in the Federal Register, and require,  
 23           under such regulations as he may prescribe, the with-  
 24           holding of appraisement as to such merchandise entered,  
 25           or withdrawn from warehouse, for consumption on or

1     *after the date of publication of that notice in the Federal*  
2     *Register (or such earlier date, not more than one hundred*  
3     *and twenty days before the date of publication under sub-*  
4     *section (c)(1) of notice of initiation of the investigation,*  
5     *as the Secretary may prescribe), until the further order*  
6     *of the Secretary, or until the Secretary has made public*  
7     *a finding as provided for in subsection (a) in regard*  
8     *to such merchandise; or*

9             *“(C) if his determination is negative (or if he*  
10     *tentatively determines that the investigation should be*  
11     *discontinued), publish notice of that fact in the Federal*  
12     *Register.*

13     *“(2) If in the course of an investigation under this*  
14     *subsection the Secretary concludes that the determination*  
15     *provided for in paragraph (1) cannot reasonably be made*  
16     *within six months, he shall publish notice of this in the Fed-*  
17     *eral Register, together with a statement of reasons therefor,*  
18     *in which case the determination shall be made within nine*  
19     *months after the publication in the Federal Register of the*  
20     *notice of initiation of the investigation.*

21     *“(3) Within three months after publication in the Fed-*  
22     *eral Register of a determination under paragraph (1), the*  
23     *Secretary shall make a final determination whether the for-*  
24     *eign merchandise in question is being or is likely to be sold*

1 *in the United States at less than its fair value (or a final*  
2 *discontinuance of the investigation).*

3       “(c)(1) *The Secretary shall, within thirty days of the*  
4 *receipt of information alleging that a particular class or kind*  
5 *of merchandise is being or is likely to be sold in the United*  
6 *States or elsewhere at less than its fair value and that an*  
7 *industry in the United States is being or is likely to be*  
8 *injured, or is prevented from being established, by reason of*  
9 *the importation of such merchandise into the United States,*  
10 *determine whether to initiate an investigation into the question*  
11 *of whether such merchandise in fact is being or is likely to*  
12 *be sold in the United States or elsewhere at less than its fair*  
13 *value. If his determination is affirmative he shall publish*  
14 *notice of the initiation of such an investigation in the Federal*  
15 *Register. If it is negative, the inquiry shall be closed.*

16       “(2) *If, in the course of making a determination under*  
17 *paragraph (1), the Secretary concludes, from the informa-*  
18 *tion available to him, that there is substantial doubt whether*  
19 *an industry in the United States is being or is likely to be*  
20 *injured, or is prevented from being established, by reason of*  
21 *the importation of such merchandise into the United States,*  
22 *he shall forward to the Commission the reasons for such sub-*  
23 *stantial doubt and a preliminary indication, based upon*  
24 *whatever price information is available, concerning possible*  
25 *sales at less than fair value, including possible margins of*

1    *dumping and the volume of trade. If within thirty days after*  
2    *receipt of such information from the Secretary, the Commis-*  
3    *sion, after conducting such inquiry as it deems appropriate,*  
4    *determines there is no reasonable indication that an industry*  
5    *in the United States is being or is likely to be injured, or is*  
6    *prevented from being established, by reason of the importa-*  
7    *tion of such merchandise into the United States, it shall advise*  
8    *the Secretary of its determination and any investigation*  
9    *under subsection (b) then in progress shall be terminated.*

10    *“(d)(1) Before making any determination under sub-*  
11    *section (a), the Secretary or the Commission, as the case may*  
12    *be, shall, at the request of any foreign manufacturer or ex-*  
13    *porter, or any domestic importer, of the foreign merchandise*  
14    *in question, or of any domestic manufacturer, producer, or*  
15    *wholesaler of merchandise of the same class or kind, conduct*  
16    *a hearing at which—*

17    *“(A) any such person shall have the right to appear*  
18    *by counsel or in person; and*

19    *“(B) any other person, firm, or corporation may*  
20    *make application and, upon good cause shown, may be*  
21    *allowed by the Secretary or the Commission, as the case*  
22    *may be, to intervene and appear at such hearing by coun-*  
23    *sel or in person.*

24    *“(2) The Secretary, upon determining whether foreign*

1 *merchandise is being, or is likely to be, sold in the United*  
 2 *States at less than its fair value, and the Commission, upon*  
 3 *making its determination under subsection (a), shall publish*  
 4 *in the Federal Register such determination, whether affirma-*  
 5 *tive or negative, together with a complete statement of findings*  
 6 *and conclusions, and the reasons or bases therefor, on all the*  
 7 *material issues of fact or law presented (consistent with con-*  
 8 *fidential treatment granted by the Secretary or the Commis-*  
 9 *sion, as the case may be, in the course of making its determi-*  
 10 *nation).*

11 *“(3) The hearings provided for under this section shall*  
 12 *be exempt from sections 554, 555, 556, 557, and 702 of title*  
 13 *5 of the United States Code. The transcript of any hearing,*  
 14 *together with all information developed in connection with the*  
 15 *investigation (other than items to which confidential treatment*  
 16 *has been granted by the Secretary or the Commission, as the*  
 17 *case may be), shall be made available in the manner and to*  
 18 *the extent provided in section 552(b) of such title.”.*

19 ~~(339)(e)~~ (b) Section 203 of the Antidumping Act, 1921  
 20 (19 U.S.C. sec. 162), is amended to read as follows:

21 *“PURCHASE PRICE”*

22 *“SEC. 203. For the purposes of this title, the purchase*  
 23 *price of imported merchandise shall be the price at which*  
 24 *such merchandise has been purchased or agreed to be pur-*  
 25 *chased, prior to the time of exportation, by the person by*

1 whom or for whose account the merchandise is imported,  
2 plus, when not included in such price, the cost of all con-  
3 tainers and coverings and all other costs, charges, and ex-  
4 penses incident to placing the merchandise in condition,  
5 packed ready for shipment to the United States, less the  
6 amount, if any, included in such price, attributable to any  
7 additional costs, charges, and expenses, and United States  
8 import duties, incident to bringing the merchandise from the  
9 place of shipment in the country of exportation to the place  
10 of delivery in the United States; and less the amount, if in-  
11 cluded in such price, of any export tax imposed by the coun-  
12 try of exportation on the exportation of the merchandise to  
13 the United States; and plus the amount of any import duties  
14 imposed by the country of exportation which have been re-  
15 bated, or which have not been collected, by reason of the  
16 exportation of the merchandise to the United States; and  
17 plus the amount of any taxes imposed in the country of ex-  
18 portation directly upon the exported merchandise or compo-  
19 nents thereof, which have been rebated, or which have not  
20 been collected, by reason of the exportation of the merchan-  
21 dise to the United States, but only to the extent that such  
22 taxes are added to or included in the price of such or similar  
23 merchandise when sold in the country of exportation; and  
24 plus the amount of any taxes rebated or not collected, by  
25 reason of the exportation of the merchandise to the United

1 States, which rebate or noncollection has been determined  
2 by the Secretary to be a bounty or grant within the meaning  
3 of section 303 of the Tariff Act of 1930."

4 ~~(340)(d)~~ (c) Section 204 of the Antidumping Act, 1921  
5 (19 U.S.C. sec. 163), is amended to read as follows:

6 "EXPORTER'S SALES PRICE

7 "SEC. 204. For the purposes of this title, the exporter's  
8 sale price of imported merchandise shall be the price at which  
9 such merchandise is sold or agreed to be sold in the United  
10 States, before or after the time of importation, by or for the  
11 account of the exporter, plus, when not included in such  
12 price, the cost of all containers and coverings and all other  
13 costs, charges, and expenses incident to placing the mer-  
14 chandise in condition, packed ready for shipment to the  
15 United States, less (1) the amount, if any, included in such  
16 price, attributable to any additional costs, charges, and ex-  
17 penses, and United States import duties, incident to bringing  
18 the merchandise from the place of shipment in the country  
19 of exportation to the place of delivery in the United States,  
20 (2) the amount of the commissions, if any, for selling in the  
21 United States the particular merchandise under considera-  
22 tion, (3) an amount equal to the expenses, if any, generally  
23 incurred by or for the account of the exporter in the United  
24 States in selling identical or substantially identical merchan-  
25 dise, (4) the amount of any export tax imposed by the



1 country of exportation on the exportation of the merchandise  
2 to the United States, and (5) the amount of any increased  
3 value, including additional material and labor, resulting from  
4 a process of manufacture or assembly performed on the  
5 imported merchandise after the importation of the mer-  
6 chandise and before its sale to a person who is not the  
7 exporter of the merchandise within the meaning of section  
8 207; and plus the amount of any import duties imposed by  
9 the country of exportation which have been rebated, or  
10 which have not been collected, by reason of the exportation  
11 of the merchandise to the United States; and plus the amount  
12 of any taxes imposed in the country of exportation directly  
13 upon the exported merchandise or components thereof, which  
14 have been rebated, or which have not been collected, by  
15 reason of the exportation of the merchandise to the United  
16 States, but only to the extent that such taxes are added to  
17 or included in the price of such or similar merchandise when  
18 sold in the country of exportation; and plus the amount of  
19 any taxes rebated, or not collected, by reason of the exporta-  
20 tion of the merchandise to the United States, which rebate  
21 or noncollection has been determined by the Secretary to be  
22 a bounty or grant within the meaning of section 303 of the  
23 Tariff Act of 1930."

24 ~~(341)(e)~~ (d) Section 205 of the Antidumping Act, 1921  
25 (19 U.S.C. sec 164), is amended by adding "(a)" immedi-

1 | ately before the word "For", and by adding at the end there-  
2 of the following new subsections:

3       “(b) Whenever the Secretary has reasonable grounds  
4 to believe or suspect that sales in the home market of the  
5 country of exportation, or, as appropriate, to countries other  
6 than the United States, have been made at prices which rep-  
7 resent less than the cost of producing the merchandise in  
8 question, he shall determine whether, in fact, such sales  
9 were made at less than the cost of producing the merchandise.  
10 If the Secretary determines that sales made at less than cost  
11 of production (1) have been made over an extended period  
12 of time and in substantial quantities, and (2) are not at prices  
13 which permit recovery of all costs within a reasonable period  
14 of time in the normal course of trade, such sales shall be dis-  
15 regarded in the determination of foreign market value. When-  
16 ever sales are disregarded by virtue of having been made at  
17 less than the cost of production and the remaining sales, made  
18 at not less than cost of production, are determined to be in-  
19 adequate as a basis for the determination of foreign market  
20 value, the Secretary shall determine that no foreign market  
21 value exists and employ the constructed value of the mer-  
22 chandise in question.

23       “(c) If available information indicates to the Secretary  
24 that the economy of the country from which the merchandise  
25 is exported is state-controlled to an extent that sales or

1 offers of sales of such or similar merchandise in that coun-  
 2 try or to countries other than the United States do not  
 3 permit a determination of foreign market value under sub-  
 4 section (a), the Secretary shall determine the foreign  
 5 market value of the merchandise on the basis of the normal  
 6 costs, expenses, and profits as reflected by either—

7 “(1) the prices, determined in accordance with sub-  
 8 section (a) and section 202, at which such or similar  
 9 merchandise of a non-state-controlled-economy country  
 10 or countries is sold either (A) for consumption in the  
 11 home market of that country or countries, or (B) to  
 12 other countries, including the United States; or

13 “(2) the constructed value of such or similar mer-  
 14 chandise in a non-state-controlled-economy country or  
 15 countries as determined under section ~~(342)~~206.” 206.

16 ~~(343)~~“(d) Whenever, in the course of an investigation under  
 17 this Act, the Secretary determines that—

18 “(1) merchandise exported to the United States is  
 19 being produced in facilities which are owned or con-  
 20 trolled, directly or indirectly, by a person, firm, or  
 21 corporation which also owns or controls, directly or  
 22 indirectly, other facilities for the production of such or  
 23 similar merchandise which are located in another coun-  
 24 try or countries;

1           “(2) the sales of such or similar merchandise by the  
2       company concerned in the home market of the exporting  
3       country are nonexistent or inadequate as a basis for  
4       comparison with the sales of the merchandise to the United  
5       States; and

6           “(3) the foreign market value of such or similar  
7       merchandise produced in one or more of the facilities  
8       outside the country of exportation is higher than the  
9       foreign market value, or, if there is no foreign market  
10      value, the constructed value, of such or similar merchan-  
11      dise produced in the facilities located in the country of  
12      exportation,

13      he may determine the foreign market value of such merchan-  
14      dise by reference to the foreign market value at which such or  
15      similar merchandise is sold in substantial quantities by one  
16      or more facilities outside the country of exportation. The Sec-  
17      retary in making any determination under this paragraph,  
18      shall make adjustments for the difference between the costs of  
19      production (including taxes, labor, materials, and overhead)  
20      of such or similar merchandise produced in facilities outside  
21      the country of exportation and costs of production of such or  
22      similar merchandise produced in the facilities in the country  
23      of exportation, if such differences are demonstrated to his  
24      satisfaction. For the purpose of this subsection, in determining  
25      foreign market value of such or similar merchandise produced

1 *in a country outside of the country of exportation, the Secre-*  
 2 *tary shall determine its price at the time of exportation from*  
 3 *the country of exportation and shall make any adjustments*  
 4 *required by section 205(a) for the cost of all containers and*  
 5 *coverings and all other costs, charges, and expenses incident*  
 6 *to placing the merchandise in condition packed ready for*  
 7 *shipment to the United States by reference to such costs in the*  
 8 *country of exportation."*

9 ~~(344)(f)~~ (e) Section ~~(345)213~~ 212 (3) of the Antidump-  
 10 ing Act, 1921 (19 U.S.C. sec. 170a(3)), is amended by  
 11 striking out subparagraphs (B), (D), and (F), and by  
 12 redesignating subparagraphs (C) and (E) as subparagraphs  
 13 (B) and (C), respectively.

14 ~~(346)(f)~~ Section 481 of the Tariff Act of 1930 (19 U.S.C.  
 15 1481) is amended—

16 (1) by renumbering paragraph (10) of subsec-  
 17 tion (a) as (11);

18 (2) by striking out paragraph (9) of subsection  
 19 (a) and inserting in lieu thereof the following:

20 "(9) All rebates, drawbacks, bounties, and grants,  
 21 separately itemized, allowed, paid, or bestowed on the  
 22 exportation, manufacture, or production of the mer-  
 23 chandise;

24 "(10) The unit price of each item at which such  
 25 merchandise is being sold or offered for sale in the

1        *home market of the country of exportation; and*"; and

2            (3) *by inserting before the period at the end of*  
 3        *subsection (d) “, except that, with respect to any entry*  
 4        *for which an invoice is required, and which covers*  
 5        *merchandise other than articles (1) classifiable in sched-*  
 6        *ule 8 of the Tariff Schedules of the United States (19*  
 7        *U.S.C. 1202); (2) imported for personal use and not*  
 8        *for resale; or (3) having a purchase price or value*  
 9        *under \$1,000, the information specified in paragraphs*  
 10        *(5), (9), and (10) of subsection (a) must be furnished*  
 11        *unless the appropriate Customs officer determines that the*  
 12        *information required is currently available.”*

13    **(347)**(g)(1) *Section 516 of the Tariff Act of 1930 (19*  
 14    *U.S.C. 1516) is amended by redesignating subsection (d),*  
 15    *(e), (f), and (g) as subsections (e), (f), (g), and (h),*  
 16    *respectively, and by inserting after subsection (c) the fol-*  
 17    *lowing new subsection:*

18        *“(d) Within 30 days after a determination by the Sec-*  
 19    *retary—*

20            *“(1) under section 201 of the Antidumping Act,*  
 21        *1921 (19 U.S.C. 160), that a class or kind of foreign*  
 22        *merchandise is not being, nor likely to be, sold in the*  
 23        *United States at less than its fair value, or*

24            *(2) under section 303 of this Act that a bounty*  
 25        *or grant is not being paid or bestowed,*

1 *an American manufacturer, producer, or wholesaler of mer-*  
 2 *chandise of the same class or kind as that described in such*  
 3 *determination may file with the Secretary a written notice*  
 4 *of a desire to contest such determination. Upon receipt of such*  
 5 *notice the Secretary shall cause publication to be made thereof*  
 6 *and of such manufacturer's, producer's, or wholesaler's desire*  
 7 *to contest the determination. Within 30 days after such pub-*  
 8 *lication, such manufacturer, producer, or wholesaler may*  
 9 *commence an action in the United States Customs Court*  
 10 *contesting such determination."*

11 *(2) Section 2631(b) of title 28, United States Code,*  
 12 *is amended by inserting before the period at the end thereof*  
 13 *" , or, in the case of an action under section 516(d) of such*  
 14 *Act, after the date of publication of a notice under such*  
 15 *section"*.

16 *(3) Section 2632 of title 28, United States Code, is*  
 17 *amended—*

18 *(A) by striking out the first sentence of subsection*  
 19 *(a) and inserting in lieu thereof the following: "A party*  
 20 *may contest (1) denial of a protest under section 515 of*  
 21 *the Tariff Act of 1930, as amended; (2) a decision of*  
 22 *the Secretary of the Treasury made under section 516 of*  
 23 *the Tariff Act of 1930, as amended; or (3) a determi-*  
 24 *nation by the Secretary of the Treasury under section*

1        *201 of the Antidumping Act, 1921, as amended, that a*  
2        *class or kind of merchandise is not being, nor likely to be,*  
3        *sold in the United States at less than its fair value, or*  
4        *under section 303 of the Tariff Act of 1930 that a*  
5        *bounty or grant is not being paid or bestowed; by bring-*  
6        *ing a civil action in the Customs Court.”;*

7                *(B) by inserting after “designee” in subsection (f)*  
8        *“in any action brought under subsection (a)(1) or (a)*  
9        *(2)”;* and

10                *(C) by adding at the end thereof the following new*  
11        *subsection:*

12        *“(g) Upon service of the summons on the Secretary of*  
13        *the Treasury or his designee in an action contesting the Sec-*  
14        *retary’s determination under section 201 of the Antidumping*  
15        *Act, 1921, as amended, that a class or kind of foreign mer-*  
16        *chandise is not being, nor likely to be, sold in the United*  
17        *States at less than its fair value, the Secretary or his designee*  
18        *shall forthwith transmit to the United States Customs Court,*  
19        *as the official record of the civil action, a certified copy of the*  
20        *transcript of any hearing held by the Secretary in the par-*  
21        *ticular antidumping proceeding pursuant to section 201(d)*  
22        *(1) of the Antidumping Act, 1921, as amended, and certified*  
23        *copies of all notices, determinations, or other matters which*  
24        *the Secretary has caused to be published in the Federal*  
25        *Register in connection with the particular antidumping*



1 proceeding. Upon service of the summons on the Secretary  
 2 of the Treasury or his designee in an action contesting the  
 3 Secretary's determination under section 303 of the Tariff  
 4 Act of 1930 that a bounty or grant is not being paid or  
 5 bestowed, the Secretary or his designee shall forthwith trans-  
 6 mit to the United States Customs Court, as the official record  
 7 of the civil action, a certified copy of the transcript of all  
 8 hearings held by the Secretary in the proceeding which  
 9 resulted in such determination and certified copies of all  
 10 notices, determinations, or other matters which the Secre-  
 11 tary has caused to be published in the Federal Register in  
 12 connection with such proceeding."

13 ~~(348)(g)(h)~~ (1) The amendments made by ~~(349)~~ subsec-  
 14 ~~tions (a) and (b)~~ subsection (a) of this section shall apply  
 15 with respect to all questions of dumping raised or presented  
 16 on or after the date of the enactment of this Act.

17 (2) The amendments made by subsections ~~(350)(e)~~  
 18 ~~through (f)~~ (b) through (e) of this section shall apply with  
 19 respect to all merchandise which is not appraised on or before  
 20 the date of the enactment of this Act; except that such amend-  
 21 ments shall not apply with respect to any merchandise  
 22 which—

23 (A) was exported from the country of exportation  
 24 before such date of the enactment, and

25 (B) is subject to a finding under the Antidumping  
 26 Act, 1921, which (i) is outstanding on such date of

1 enactment, or (ii) was revoked on or before such date  
2 of enactment but is still applicable to such merchandise.

3 **(351)**(3) *The amendments made by subsection (f) shall*  
4 *apply with respect to merchandise which is exported from the*  
5 *country of exportation on or after the 90th day after the date*  
6 *of the enactment of this Act.*

7 **(352)**(4) *The amendments made by subsection (g) shall*  
8 *apply with respect to determinations under section 201 of the*  
9 *Antidumping Act, 1921, resulting from questions of dump-*  
10 *ing raised or presented on or after the date of the enactment*  
11 *of this Act.*

## 12 **CHAPTER 3—COUNTERVAILING DUTIES**

### 13 **SEC. 331. AMENDMENTS TO SECTIONS 303 AND 516 OF THE** 14 **TARIFF ACT OF 1930.**

15 (a) Section 303 of the Tariff Act of 1930 (19 U.S.C.  
16 sec. 1303) is amended to read as follows:

#### 17 **“SEC. 303. COUNTERVAILING DUTIES.**

18 “(a) **LEVY OF COUNTERVAILING DUTIES.**—(1) When-  
19 ever any country, dependency, colony, province, or other  
20 political subdivision of government, person, partnership, as-  
21 sociation, cartel, or corporation, shall pay or bestow, directly  
22 or indirectly, any bounty or grant upon the manufacture  
23 or production or export of any article or merchandise manu-  
24 factured or produced in such country, dependency, colony,  
25 province, or other political subdivision of government, then

1 upon the importation of such article or merchandise into  
2 the United States, whether the same shall be imported di-  
3 rectly from the country of production or otherwise, and  
4 whether such article or merchandise is imported in the same  
5 condition as when exported from the country of production  
6 or has been changed in condition by remanufacture or other-  
7 wise, there shall be levied and paid, in all such cases, in  
8 addition to any duties otherwise imposed, a duty equal to  
9 the net amount of such bounty or grant, however the same  
10 be paid or bestowed. (353) The Secretary of the Treasury  
11 shall determine within twelve months after the date on which  
12 the question is presented to him whether any bounty or grant  
13 is being paid or bestowed.

14 (354)“(2) In the case of any imported article or merchandise  
15 which is free of duty, duties may be imposed under this sec-  
16 tion only if there is an affirmative determination by the Tariff  
17 Commission under subsection (b)(1); except that such a  
18 Tariff Commission determination shall be required only for  
19 such time as a determination of injury is required by the  
20 international obligations of the United States.

21 “(3) The Secretary of the Treasury shall from time to  
22 time ascertain and determine, or estimate, the net amount  
23 of each such bounty or grant, and shall declare the net  
24 amount so determined or estimated.

1       “(4) Whenever, in the case of any imported article or  
 2 merchandise as to which the Secretary has not determined  
 3 whether a bounty or grant is being paid or bestowed, the  
 4 Secretary concludes, from information presented to him or  
 5 to any person to whom authority under this section has  
 6 been delegated, that a formal investigation into the question  
 7 of whether a bounty or grant is being paid or bestowed is  
 8 warranted, he shall forthwith publish notice of the initiation  
 9 of such an investigation in the Federal Register. The date  
 10 of publication of such notice shall be considered the date on  
 11 which the question is presented to the Secretary within the  
 12 meaning of subsection (a) (1).-

13       “(5) The Secretary of the Treasury shall make all  
 14 regulations he may deem necessary for the identification of  
 15 such articles and merchandise and for the assessment and  
 16 collection of the duties under this section. All determina-  
 17 tions by the Secretary under this section, and all determina-  
 18 tions by the Tariff Commission under subsection (b) (1)-  
 19 (whether affirmative or negative), shall be published in the  
 20 Federal Register.

21       “(b) INJURY DETERMINATIONS WITH RESPECT TO  
 22 DUTY-FREE MERCHANDISE; SUSPENSION OF LIQUIDA-  
 23 TION.—(1) Whenever the Secretary of the Treasury has  
 24 determined under subsection (a) that a bounty or grant is  
 25 being paid or bestowed with respect to any article or mer-  
 26 chandise which is free of duty, he shall—

1       “(A) so advise the United States Tariff Commis-  
 2       sion; and the Commission shall determine within three  
 3       months thereafter, and after such investigation as it  
 4       deems necessary, whether an industry in the United  
 5       States is being or is likely to be injured, or is prevented  
 6       from being established, by reason of the importation of  
 7       such article or merchandise into the United States; and  
 8       the Commission shall notify the Secretary of its deter-  
 9       mination; and

10       “(B) require, under such regulations as he may  
 11       prescribe, the suspension of liquidation as to such article  
 12       or merchandise entered, or withdrawn from warehouse,  
 13       for consumption, on or after the thirtieth day after the  
 14       date of the publication in the Federal Register of his de-  
 15       termination under subsection (a)(1), and such suspen-  
 16       sion of liquidation shall continue until the further order  
 17       of the Secretary or until he has made public an order as  
 18       provided for in paragraph (3) of this subsection.

19       “(2) For the purposes of this subsection, the Tariff  
 20       Commission shall be deemed to have made an affirmative de-  
 21       termination if the Commissioners of such Commission voting  
 22       are evenly divided as to whether its determination should be  
 23       in the affirmative or in the negative.

24       “(3) If the determination of the Tariff Commission  
 25       under paragraph (1)(A) is in the affirmative, the Seere-

1 tary shall make public an order directing the assessment and  
 2 collection of duties in the amount of such bounty or grant as  
 3 is from time to time ascertained and determined, or esti-  
 4 mated, under subsection (a).

5       “(c) APPLICATION OF AFFIRMATIVE DETERMINA-  
 6 TION.—An affirmative determination by the Secretary of  
 7 the Treasury under subsection (a)(1) with respect to any  
 8 imported article or merchandise shall apply with respect to  
 9 articles entered, or withdrawn from warehouse, for con-  
 10 sumption on or after the thirtieth day after the date of the  
 11 publication in the Federal Register of such determination.  
 12 In the case of any imported article or merchandise which  
 13 is free of duty, so long as a finding of injury is required by  
 14 the international obligations of the United States, the pre-  
 15 ceding sentence shall apply only if the Tariff Commission  
 16 makes an affirmative determination of injury under subsec-  
 17 tion (b)(1).

18       “(d) ARTICLES SUBJECT TO QUANTITATIVE LIMITA-  
 19 TIONS.—Whenever the Secretary determines, after seeking  
 20 information and advice from such agencies as he may deem  
 21 appropriate, that any article is subject to a quantitative limi-  
 22 tation imposed by the United States on its importation into,  
 23 or subject to an effective quantitative limitation on its ex-  
 24 portation to, the United States and that such quantitative  
 25 limitation is an adequate substitute for the imposition of a

1 duty under this section, the imposition of an additional duty  
2 under this section shall not be required.

3       “(c) TEMPORARY PROVISION WHILE NEGOTIATIONS  
4 ARE IN PROCESS.—If, after seeking information and advice  
5 from such agencies as he may deem appropriate, the Secre-  
6 tary determines, at any time before the day which is four  
7 years after the date of the enactment of this subsection, that  
8 the imposition of an additional duty under this section with  
9 respect to any article would be likely to seriously jeopardize  
10 the satisfactory completion of the negotiations contem-  
11 plated by sections 101 and 102 of the Trade Reform Act of  
12 1973, the imposition of such additional duty under this sec-  
13 tion with respect to such article shall not be required. In  
14 the case of a question presented on or after the day which  
15 is one year after the date of the enactment of this Act, this  
16 subsection shall not apply with respect to any article which  
17 is the product of facilities owned or controlled by a devel-  
18 oped country if the investment in, or the operation of, such  
19 facilities, is subsidized.”

20       “(2) *In the case of any imported article or merchandise*  
21 *which is free of duty, duties may be imposed under this*  
22 *section only if there is an affirmative determination by the*  
23 *Commission under subsection (b)(1); except that such a*  
24 *determination shall not be required unless a determination*  
25 *of injury is required by the international obligations of the*  
26 *United States.*

1       “(3) In the case of any imported article or merchandise  
2 as to which the Secretary of the Treasury (hereafter in this  
3 section referred to as the ‘Secretary’) has not determined  
4 whether or not any bounty or grant is being paid or  
5 bestowed—

6           “(A) upon the filing of a petition by any person  
7 setting forth his belief that a bounty or grant is being  
8 paid or bestowed, and the reasons therefor, or

9           “(B) whenever the Secretary concludes, from in-  
10 formation presented to him or to any person to whom  
11 authority under this section has been delegated, that a  
12 formal investigation is warranted into the question of  
13 whether a bounty or grant is being paid or bestowed,  
14 the Secretary shall initiate a formal investigation to deter-  
15 mine whether or not any bounty or grant is being paid or  
16 bestowed and shall publish in the Federal Register notice of  
17 the initiation of such investigation.

18       “(4) Within six months from the date on which a peti-  
19 tion is filed under paragraph (3)(A) or on which notice is  
20 published of an investigation initiated under paragraph (3)  
21 (B), the Secretary shall make a preliminary determination,  
22 and within twelve months from such date shall make a final  
23 determination, as to whether or not any bounty or grant is  
24 being paid or bestowed.



1       “(5) *The Secretary shall from time to time ascertain*  
 2   *and determine, or estimate, the net amount of each such bounty*  
 3   *or grant, and shall declare the net amount so determined or*  
 4   *estimated.*

5       “(6) *The Secretary shall make all regulations he deems*  
 6   *necessary for the identification of articles and merchandise*  
 7   *subject to duties under this section and for the assessment and*  
 8   *collection of such duties. All determinations by the Secretary*  
 9   *under this section, and all determinations by the Commission*  
 10   *under subsection (b)(1), (whether affirmative or negative)*  
 11   *shall be published in the Federal Register.*

12       “(b) *INJURY DETERMINATIONS WITH RESPECT TO*  
 13   *DUTY-FREE MERCHANDISE; SUSPENSION OF LIQUIDA-*  
 14   *TION.—(1) Whenever the Secretary makes a final determi-*  
 15   *nation under subsection (a) that a bounty or grant is being*  
 16   *paid or bestowed with respect to any article or merchandise*  
 17   *which is free of duty and a determination by the Commission*  
 18   *is required under subsection (a)(2), he shall—*

19       “(A) *so advise the Commission, and the Commis-*  
 20   *sion shall determine within three months thereafter, and*  
 21   *after such investigation as it deems necessary, whether an*  
 22   *industry in the United States is being or is likely to be*  
 23   *injured, or is prevented from being established, by reason*  
 24   *of the importation of such article or merchandise into the*

1        *United States; and the Commission shall notify the Secre-*  
2        *tary of its determination; and*

3            *“(B) require, under such regulations as he may*  
4        *prescribe, the suspension of liquidation as to such article*  
5        *or merchandise entered, or withdrawn from warehouse,*  
6        *for consumption on or after the date of the publication*  
7        *in the Federal Register of his final determination under*  
8        *subsection (a), and such suspension of liquidation shall*  
9        *continue until the further order of the Secretary or until*  
10       *he has made public an order as provided for in para-*  
11       *graph (3).*

12       *“(2) For the purposes of this subsection, the Commis-*  
13       *sion shall be deemed to have made an affirmative determina-*  
14       *tion if the commissioners voting are evenly divided as to*  
15       *whether its determination should be in the affirmative or in*  
16       *the negative.*

17       *“(3) If the determination of the Commission under*  
18       *paragraph (1)(A) is in the affirmative, the Secretary shall*  
19       *make public an order directing the assessment and collection*  
20       *of duties in the amount of such bounty or grant as is from*  
21       *time to time ascertained and determined, or estimated, under*  
22       *subsection (a).*

23       *“(c) APPLICATION OF AFFIRMATIVE DETERMINA-*  
24       *TION.—An affirmative final determination by the Secretary*  
25       *under subsection (a) with respect to any imported article*

1 or merchandise shall apply with respect to articles entered, or  
 2 withdrawn from warehouse, for consumption on or after the  
 3 date of the publication in the Federal Register of such deter-  
 4 mination. In the case of any imported article or merchandise  
 5 which is free of duty, so long as a finding of injury is re-  
 6 quired by the international obligations of the United States,  
 7 the preceding sentence shall apply only if the Commission  
 8 makes an affirmative determination of injury under sub-  
 9 section (b)(1).

10       “(d) TEMPORARY PROVISION WHILE NEGOTIATIONS  
 11 ARE IN PROCESS.—(1) It is the sense of the Congress that  
 12 the President, to the extent practicable and consistent with  
 13 United States interests, seek through negotiations the establish-  
 14 ment of internationally agreed rules and procedures govern-  
 15 ing the use of subsidies (and other export incentives) and the  
 16 application of countervailing duties.

17       “(2) If, after seeking information and advice from such  
 18 agencies as he may deem appropriate, the Secretary of the  
 19 Treasury determines, at any time during the two-year period  
 20 beginning on the date of the enactment of the Trade Act of  
 21 1974, that—

22       “(A) adequate steps have been taken to reduce sub-  
 23 stantially or eliminate during such period the adverse  
 24 effect of a bounty or grant which he has determined is  
 25 being paid or bestowed with respect to any article or  
 26 merchandise;

1           “(B) there is a reasonable prospect that, under sec-  
2       tion 102 of the Trade Act of 1974, successful trade  
3       agreements will be entered into with foreign countries or  
4       instrumentalities providing for the reduction or elimina-  
5       tion of barriers to or other distortions of international  
6       trade; and

7           “(C) the imposition of the additional duty under  
8       this section with respect to such article or merchandise  
9       would be likely to seriously jeopardize the satisfactory  
10      completion of such negotiations;

11      the imposition of the additional duty under this section with  
12      respect to such article or merchandise shall not be required  
13      during the remainder of such two-year period: Provided  
14      however, That the provisions of this paragraph shall not be  
15      applicable to import sensitive items, including, but not limited  
16      to, footwear.

17           “(3) The determination of the Secretary under para-  
18      graph (2) may be revoked by him, in his discretion, at any  
19      time, and any determination made under such paragraph  
20      shall be revoked whenever the basis supporting such deter-  
21      mination no longer exists. The additional duty provided  
22      under this section shall apply with respect to any affected  
23      articles or merchandise entered, or withdrawn from ware-  
24      house, for consumption on or after the date of publication  
25      of any revocation under this subsection in the Federal  
26      Register.

1       “(e) *REPORTS TO CONGRESS.*—(1) *Whenever the*  
 2 *Secretary makes a determination under subsection (d)(2)*  
 3 *with respect to any article or merchandise, he shall promptly*  
 4 *transmit to the House of Representatives and the Senate a*  
 5 *document setting forth the determination, together with his*  
 6 *reasons therefor.*

7       “(2) *If, at any time after the document referred to in*  
 8 *paragraph (1) is delivered to the House of Representatives*  
 9 *and the Senate, either the House or the Senate adopts, by an*  
 10 *affirmative vote of a majority of those present and voting in*  
 11 *that House, a resolution of disapproval under the procedures*  
 12 *set forth in section 152, then such determination under sub-*  
 13 *section (d)(2) with respect to such article or merchandise*  
 14 *shall have no force or effect beginning with the day after the*  
 15 *date of the adoption of such resolution of disapproval, and*  
 16 *the additional duty provided under this section with respect*  
 17 *to such article or merchandise shall apply with respect to*  
 18 *articles or merchandise entered, or withdrawn from ware-*  
 19 *house, for consumption on or after such day.”.*

20       (b) ~~(355)Section 516 of the Tariff Act of 1930 (19~~  
 21 ~~U.S.C. sec. 1516)~~ *So much of section 516 of the Tariff Act of*  
 22 *1930 (19 U.S.C. 1516) as precedes subsection (d) is amended*  
 23 *to read as follows:*

1   **"SEC. 516. PETITIONS BY AMERICAN MANUFACTURERS,**  
 2                   **PRODUCERS, OR WHOLESALERS.**

3       “(a) The Secretary shall, upon written request by an  
 4   American manufacturer, producer, or wholesaler, furnish the  
 5   classification, the rate of duty, ~~(356)~~and the additional duty  
 6   described in section 303 of this Act (hereinafter in this section  
 7   referred to as ‘countervailing duties’), if any, ~~(375)~~and the  
 8   *special duty described in section 202 of the Antidumping Act,*  
 9   *1921 (hereinafter in this section referred to as ‘antidumping*  
 10   *duties’)*, if any, imposed upon designated imported merchan-  
 11   dise of a class or kind manufactured, produced, or sold at whole-  
 12   sale by him. If such manufacturer, producer, or wholesaler  
 13   believes that the appraised value is too low, that the classifica-  
 14   tion is not correct, that the proper rate of duty is not being  
 15   assessed, or that countervailing duties ~~(358)~~or *antidumping*  
 16   *duties* should be assessed, he may file a petition with the Secre-  
 17   tary setting forth (1) a description of the merchandise, (2)  
 18   the appraised value, the classification, or the rate or rates of  
 19   duty that he believes proper, and (3) the reasons for his belief  
 20   including, in appropriate instances, the reasons for his belief  
 21   that countervailing duties ~~(359)~~or *antidumping duties* should  
 22   be assessed.

23       “(b) If, after receipt and consideration of a petition  
 24   filed by an American manufacturer, producer, or whole-  
 25   saler, the Secretary decides that the appraised value of the

1 merchandise is too low, that the classification of the article  
 2 or rate of duty assessed thereon is not correct, or that coun-  
 3 tervailing duties (360) *or antidumping duties* should be  
 4 assessed, he shall determine the proper appraised value or  
 5 classification, rate of duty, or countervailing duties (361) *or*  
 6 *antidumping duties*, and shall notify the petitioner of his deter-  
 7 mination. Except for countervailing duty (362) *or antidump-*  
 8 *ing duty* purposes, all such merchandise entered for consumption  
 9 or withdrawn from warehouse for consumption more than  
 10 thirty days after the date such notice to the petitioner is pub-  
 11 lished in the weekly Customs Bulletin shall be appraised or  
 12 classified or assessed as to rate of duty in accordance with the  
 13 Secretary's determination. For countervailing duty purposes,  
 14 the procedures set forth in section 303 shall apply. (363) *For*  
 15 *antidumping duty purposes, the procedures set forth in section*  
 16 *201 of the Antidumping Act, 1921, shall apply.*

17       “(c) If the Secretary decides that the appraised value  
 18 or classification of the articles or the rate of duty with  
 19 respect to which a petition was filed pursuant to subsection  
 20 (a) is correct, or that countervailing duties (364) *or anti-*  
 21 *dumping duties* should not be assessed, he shall so inform the  
 22 petitioner. If dissatisfied with the decision of the Secretary, the  
 23 petitioner may file with the Secretary, not later than thirty  
 24 days after the date of the decision, notice that he desires to  
 25 contest the appraised value or classification of, or rate of duty

1 assessed upon or the failure to assess countervailing duties  
 2 ~~(365)~~ *or antidumping duties* upon, the merchandise. Upon  
 3 receipt of notice from the petitioner, the Secretary shall cause  
 4 publication to be made of his decision as to the proper appraised  
 5 value or classification or rate of duty or that countervailing  
 6 duties ~~(366)~~ *or antidumping duties* should not be assessed and  
 7 of the petitioner's desire to contest, and shall thereafter furnish  
 8 the petitioner with such information as to the entries and  
 9 consignees of such merchandise, entered after the publication  
 10 of the decision of the Secretary at such ports of entry desig-  
 11 nated by the petitioner in his notice of desire to contest, as  
 12 will enable the petitioner to contest the appraised value or  
 13 classification of, or rate of duty imposed upon or failure to  
 14 assess countervailing duties ~~(367)~~ *or antidumping duties* upon,  
 15 such merchandise in the liquidation of one such entry at such  
 16 port. The Secretary shall direct the appropriate customs officer  
 17 at such ports to notify the petitioner by mail immediately when  
 18 the first of such entries is liquidated."

19 ~~(368)~~ *(c) Section 515(d) of the Tariff Act of 1930 (19*  
 20 *U.S.C. 1315(d)) is amended by inserting before the period*  
 21 *at the end thereof "or the imposition of countervailing duties*  
 22 *under section 303".*

23 ~~(369)~~ *(e) (1) Except as provided in paragraph (2), the*  
 24 *amendments made by subsection (a) shall take effect on*  
 25 *the date of the enactment of this Act.*



1       ~~(2)~~ The last sentence of section 303~~(a)~~~~(1)~~ of the  
 2   Tariff Act of 1930 ~~(as added by subsection (a) of this sec-~~  
 3   tion) shall apply only with respect to questions presented  
 4   on or after the date of the enactment of this Act.

5       *(d) (1) The amendments made by this section shall take*  
 6   *effect on the date of the enactment of this Act.*

7       *(2) For purposes of applying the provisions of section*  
 8   *303(a)(4) of the Tariff Act of 1930 (as amended by subsec-*  
 9   *tion (a)) with respect to any investigation which was initiated*  
 10   *before the date of the enactment of this Act under section 303*  
 11   *of such Act (as in effect before such date), such investigation*  
 12   *shall be treated as having been initiated on the day after such*  
 13   *date of enactment under section 303(a)(3)(B) of such*  
 14   *Act. The final determination on complaints filed 6 months*  
 15   *or more prior to the enactment of this Act shall be made not*  
 16   *more than 6 months after the enactment of this Act.*

17       (3) Any article which is entered or withdrawn from  
 18   warehouse free of duty as a result of action taken under title  
 19   V of this Act shall be considered a nondutiable article for  
 20   purposes of section 303 of the Tariff Act of 1930, as amended  
 21   (19 U.S.C. sec. 1303).

## 22       **CHAPTER 4—UNFAIR IMPORT PRACTICES**

### 23       **(370)SEC. 341. AMENDMENTS TO SECTION 337 OF THE**

#### 24       **TARIFF ACT OF 1930.**

25       ~~(a)~~ Section 337 of the Tariff Act of 1930 ~~(19 U.S.C.~~  
 26   ~~sec. 1337)~~ is amended by redesignating subsection ~~(h)~~ as

1 subsection (i) and by inserting immediately after subsec-  
2 tion (g) the following new subsection:

3     “(h) UNITED STATES PATENTS.—The foregoing pro-  
4 visions of subsections (c) through (g) do not apply with  
5 respect to alleged unfair methods of competition and unfair  
6 acts based upon the claims of United States letters patent.  
7 Such alleged violations shall be dealt with by the commis-  
8 sion as hereinafter provided:

9         “(1) Whenever the commission has reason to be-  
10 lieve from the evidence in its possession that any article  
11 entered into the United States in violation of this section  
12 would, in the absence of exclusion, result in immediate  
13 and substantial harm, the Secretary of the Treasury  
14 shall, upon the commission's order in writing, exclude  
15 such articles from entry until an investigation by the  
16 commission may be completed; except that such articles  
17 shall be entitled to entry under bond prescribed by the  
18 Secretary.

19         “(2) Whenever the existence of any such unfair  
20 method or act shall be established to the satisfaction of  
21 the commission, the commission shall order that the  
22 articles concerned in such unfair methods or acts, im-  
23 ported by any person violating the provisions of this  
24 section, shall be excluded from entry into the United  
25 States, and upon information of such action by the com-

mission, the Secretary of the Treasury shall, through the proper officers, refuse such entry. The decision of the commission shall be final.

~~“(3) Any refusal of entry under this section shall continue in effect until the commission shall find and instruct the Secretary of the Treasury that the conditions which led to such refusal of entry no longer exist.~~

~~“(4) Any order entered pursuant to this subsection shall be made on the record after opportunity for a full hearing, including the opportunity to present legal defenses. Any person adversely affected by an action of the commission or refusal of the commission to act shall have the right to seek judicial review in the United States Court of Customs and Patent Appeals within such time after said action is made and in such manner as appeals may be taken from decisions of the United States Customs Court.”~~

~~(b) Subsection (a) of such section 337 is amended by striking out “by the President”.~~

~~(c) Subsection (b) of such section 337 is amended by striking out “To assist the President in making any decisions under this section the” and inserting in lieu thereof “The”.~~

**SEC. 341. AMENDMENT TO SECTION 337 OF THE TARIFF**

**ACT OF 1930.**

*(a) Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) is amended to read as follows:*

1   **"SEC. 337. UNFAIR PRACTICES IN IMPORT TRADE.**

2       **"(a) UNFAIR METHODS OF COMPETITION DECLARED**  
3   **UNLAWFUL.**—*Unfair methods of competition and unfair*  
4   *acts in the importation of articles into the United States, or*  
5   *in their sale by the owner, importer, consignee, or agent of*  
6   *either, the effect or tendency of which is to destroy or sub-*  
7   *stantially injure an industry, efficiently and economically*  
8   *operated, in the United States, or to prevent the establish-*  
9   *ment of such an industry, or to restrain or monopolize trade*  
10   *and commerce in the United States, are declared unlawful,*  
11   *and when found by the Commission to exist shall be dealt*  
12   *with, in addition to any other provisions of law, as provided*  
13   *in this section.*

14       **"(b) INVESTIGATIONS OF VIOLATIONS BY COMMIS-**  
15   **SION; TIME LIMITS.**—*(1) The Commission shall investigate*  
16   *any alleged violation of this section on complaint under*  
17   *oath or upon its initiative. Upon commencing any such in-*  
18   *vestigation, the Commission shall publish notice thereof in*  
19   *the Federal Register. The Commission shall conclude any*  
20   *such investigation, and make its determination under this*  
21   *section, at the earliest practicable time, but not later than*  
22   *one year (18 months in more complicated cases) after*  
23   *the date of publication of notice of such investigation. The*  
24   *Commission shall publish in the Federal Register its reasons*  
25   *for designating any investigation as a more complicated*

1 investigation. For purposes of the one-year and 18-  
2 month periods prescribed by this subsection, there shall be  
3 excluded any period of time during which such investigation  
4 is suspended because of proceedings in a court or agency of  
5 the United States involving similar questions concerning the  
6 subject matter of such investigation.

7 “(2) During the course of each investigation under this  
8 section, the Commission shall consult with, and seek advice  
9 and information from, the Department of Health, Education,  
10 and Welfare, the Department of Justice, the Federal Trade  
11 Commission, and such other departments and agencies as it  
12 considers appropriate.

13 “(3) Whenever, in the course of an investigation under  
14 this section, the Commission has reason to believe, based on  
15 information before it, that the matter may come within the  
16 purview of section 303 or of the Antidumping Act, 1921, it  
17 shall promptly notify the Secretary of the Treasury so that  
18 such action may be taken as is otherwise authorized by such  
19 section and such Act.

20 “(c) DETERMINATIONS; REVIEW.—The Commission  
21 shall determine, with respect to each investigation conducted  
22 by it under this section, whether or not there is a violation of  
23 this section. Each determination under subsection (d) or (e)  
24 shall be made on the record after notice and opportunity for  
25 a hearing in conformity with the provisions of subchapter II

1 of chapter 5 of title 5, United States Code. All legal and  
2 equitable defenses may be presented, and, in cases based on  
3 claims of United States letters patent, defenses based on  
4 claims of price gouging may be presented. Any person ad-  
5 versely affected by a final determination of the Commission  
6 under subsection (d) or (e) may appeal such determination  
7 to the United States Court of Customs and Patent Appeals.  
8 Such court shall have jurisdiction to review such determina-  
9 tion in the same manner and subject to the same limitations  
10 and conditions as in the case of appeals from decisions of the  
11 United States Customs Court.

12       “(d) *EXCLUSION OF ARTICLES FROM ENTRY.*—If the  
13 Commission determines, as a result of an investigation under  
14 this section, that there is violation of this section, it shall direct  
15 that the articles concerned, imported by any person violating  
16 the provision of this section, be excluded from entry into the  
17 United States, unless, after considering the effect of such  
18 exclusion upon the public health and welfare, competitive con-  
19 ditions in the United States economy, the production of like  
20 or directly competitive articles in the United States, and  
21 United States consumers, it finds that such articles should not  
22 be excluded from entry. The Commission shall notify the Sec-  
23 retary of the Treasury of its action under this subsection  
24 directing such exclusion from entry, and upon receipt of such  
25 notice, the Secretary shall, through the proper officers, refuse  
26 such entry.

1       “(e) *EXCLUSION OF ARTICLES FROM ENTRY DURING*  
2 *INVESTIGATION EXCEPT UNDER BOND.*—If, during the  
3 course of an investigation under this section, the Commission  
4 determines that there is reason to believe that there is a viola-  
5 tion of this section, it may direct that the articles concerned,  
6 imported by any person with respect to whom there is reason  
7 to believe that such person is violating this section, be excluded  
8 from entry into the United States, unless, after considering  
9 the effect of such exclusion upon the public health and welfare,  
10 competitive conditions in the United States economy, the pro-  
11 duction of like or directly competitive articles in the United  
12 States, and United States consumers, it finds that such articles  
13 should not be excluded from entry. The Commission shall  
14 notify the Secretary of the Treasury of its action under this  
15 subsection directing such exclusion from entry, and upon re-  
16 ceipt of such notice, the Secretary shall, through the proper  
17 officers, refuse such entry, except that such articles shall be  
18 entitled to entry under bond determined by the Commission  
19 and prescribed by the Secretary.

20       “(f) *CEASE AND DESIST ORDERS.*—In lieu of taking  
21 action under subsection (d) or (e), the Commission may  
22 issue and cause to be served on any person violating this  
23 section, or believed to be violating this section, as the case  
24 may be, an order directing such person to cease and desist  
25 from engaging in the unfair methods or acts involved, unless

1 after considering the effect of such order upon the public  
 2 health and welfare, competitive conditions in the United  
 3 States economy, the production of like or directly competitive  
 4 articles in the United States, and United States consumers,  
 5 it finds that such order should not be issued. The Commis-  
 6 sion may at any time, upon such notice and in such manner  
 7 as it deems proper, modify or revoke any such order, and, in  
 8 the case of a revocation, may take action under subsection  
 9 (d) or (e), as the case may be.

10 “(g) REFERRAL TO THE PRESIDENT.—(1) If the  
 11 Commission determines that there is a violation of this sec-  
 12 tion, or that, for purposes of subsection (e), there is reason  
 13 to believe that there is such a violation, it shall—

14 “(A) publish such determination in the Federal  
 15 Register, and

16 “(B) transmit to the President a copy of such de-  
 17 termination and the action taken under subsection (d),  
 18 (e), or (f), with respect thereto, together with the rec-  
 19 ord upon which such determination is based.

20 “(2) If, before the close of the 60-day period begin-  
 21 ning on the day after the day on which he receives a copy  
 22 of such determination, the President, for policy reasons, dis-  
 23 approves such determination and notifies the Commission  
 24 of his disapproval, then, effective on the date of such notice,  
 25 such determination and the action taken under subsection



1 (d), (e), or (f) with respect thereto shall have no force  
2 or effect.

3 “(3) Subject to the provisions of paragraph (2), such  
4 determination shall, except for purposes of subsection (c),  
5 be effective upon publication thereof in the Federal Register,  
6 and the action taken under subsection (d), (e), or (f) with  
7 respect thereto shall be effective as provided in such subsec-  
8 tions, except that articles directed to be excluded from entry  
9 under subsection (d) or subject to a cease and desist order  
10 under subsection (f) shall be entitled to entry under bond  
11 determined by the Commission and prescribed by the  
12 Secretary until such determination becomes final.

13 “(4) If the President does not disapprove such deter-  
14 mination within such 60-day period, or if he notifies the  
15 Commission before the close of such period that he approves  
16 such determination, then, for purposes of paragraph (3)  
17 and subsection (c) such determination shall become final on  
18 the day after the close of such period or the day on which  
19 the President notifies the Commission of his approval, as the  
20 case may be.

21 “(h) PERIOD OF EFFECTIVENESS.—Except as pro-  
22 vided in subsections (f) and (g), any exclusion from entry  
23 or order under this section shall continue in effect until the  
24 Commission finds, and in the case of exclusion from entry  
25 notifies the Secretary of the Treasury, that the conditions

1 *which led to such exclusion from entry or order no longer*  
 2 *exist.*

3       “(i) *IMPORTATIONS BY OR FOR THE UNITED*  
 4 *STATES.—Any exclusion from entry or order under sub-*  
 5 *section (d), (e), or (f), in cases based on claims of United*  
 6 *States letters patent, shall not apply to any articles imported*  
 7 *by and for the use of the United States, or imported for, and*  
 8 *to be used for, the United States with the authorization or*  
 9 *consent of the Government. Whenever any article would*  
 10 *have been excluded from entry or would not have been entered*  
 11 *pursuant to the provisions of such subsections but for the oper-*  
 12 *ation of this subsection, a patent owner adversely affected*  
 13 *shall be entitled to reasonable and entire compensation in an*  
 14 *action before the Court of Claims pursuant to the procedures*  
 15 *of section 1498 of title 28, United States Code.*

16       “(j) *DEFINITION OF UNITED STATES.—For purposes*  
 17 *of this section and sections 338 and 340, the term ‘United*  
 18 *States’ means the customs territory of the United States as*  
 19 *defined in general headnote 2 of the Tariff Schedules of the*  
 20 *United States.’*”

21       “(b) *Section 332(g) of the Tariff Act of 1930 (19*  
 22 *U.S.C. 1332(g)) is amended by adding at the end thereof*  
 23 *the following new sentence: “Each such annual report shall*  
 24 *include a list of all complaints filed under section 337 during*  
 25 *the year for which such report is being made, the date on*

1 *which each such complaint was filed, and the action taken*  
 2 *thereon, and the status of all investigations conducted by the*  
 3 *commission under such section during such year and the date*  
 4 *on which each such investigation was commenced."*

5 (c) *The amendments made by this section shall take*  
 6 *effect on the 90th day after the date of the enactment of this*  
 7 *Act, except that, for purposes of issuing regulations under*  
 8 *section 337 of the Tariff Act of 1930, such amendments shall*  
 9 *take effect on the date of the enactment of this Act. For pur-*  
 10 *poses of applying section 337(b) of the Tariff Act of 1930*  
 11 *(as amended by subsection (a)) with respect to investigations*  
 12 *being conducted by the International Trade Commission un-*  
 13 *der section 337 of the Tariff Act on the day prior to the 90th*  
 14 *day after the date of the enactment of this Act, such investiga-*  
 15 *tions shall be considered as having been commenced on such*  
 16 *90th day.*

17 **TITLE IV—TRADE RELATIONS WITH**  
 18 **COUNTRIES NOT <sup>(371)</sup>ENJOYING**  
 19 ***CURRENTLY RECEIVING NON-***  
 20 ***DISCRIMINATORY TREATMENT***

21 **SEC. 401. EXCEPTION OF THE PRODUCTS OF CERTAIN**  
 22 **COUNTRIES OR AREAS.**

23 Except as otherwise provided in this title, the President  
 24 shall continue to deny nondiscriminatory treatment to the  
 25 products of any country, the products of which were not

1 eligible for ~~(372) column 1 tariff treatment~~ *the rates set forth*  
 2 *in rate column numbered 1 of the Tariff Schedules of the*  
 3 *United States* on the date of the enactment of this Act.

4 **SEC. 402. FREEDOM OF EMIGRATION IN EAST-WEST**  
 5 **TRADE.**

6 (a) To assure the continued dedication of the United  
 7 States to fundamental human rights, and notwithstanding  
 8 any other provision of law, on or after the date of the enact-  
 9 ment of this Act, products from any nonmarket economy  
 10 country shall not be eligible to receive nondiscriminatory  
 11 treatment (most-favored-nation treatment), such country  
 12 shall not participate in any program of the Government of  
 13 the United States which extends credits or credit guarantees  
 14 or investment guarantees, directly or indirectly, and the  
 15 President of the United States shall not conclude any com-  
 16 mercial agreement with any such country, during the period  
 17 beginning with the date on which the President determines  
 18 that such country—

19 (1) denies its citizens the right or opportunity to  
 20 emigrate;

21 (2) imposes more than a nominal tax on emigra-  
 22 tion or on the visas or other documents required for  
 23 emigration, for any purpose or cause whatsoever; or

24 (3) imposes more than a nominal tax, levy, fine,  
 25 fee, or other charge on any citizen as a consequence

1 of the desire of such citizen to emigrate to the country  
2 of his choice,  
3 and ending on the date on which the President determines  
4 that such country is no longer in violation of paragraph (1),  
5 (2), or (3).

6 (b) After the date of the enactment of this Act, (A)  
7 products of a nonmarket economy country may be eligible  
8 to receive nondiscriminatory treatment (most-favored-nation  
9 treatment), (B) such country may participate in any pro-  
10 gram of the Government of the United States which extends  
11 credits or credit guarantees or investment guarantees,  
12 and (C) the President may conclude a commercial  
13 agreement with such country, only after the President  
14 has submitted to the Congress a report indicating that such  
15 country is not in violation of paragraph (1), (2), or (3)  
16 of subsection (a). Such report with respect to such country  
17 shall include information as to the nature and implementation  
18 of emigration laws and policies and restrictions or discrim-  
19 ination applied to or against persons wishing to emigrate.  
20 The report required by this subsection shall be submitted  
21 initially as provided herein and, with current information, on  
22 or before each June 30 and December 31 thereafter so  
23 long as such treatment (373)is received, such credits or  
24 guarantees (374)are extended, or such agreement is in effect.  
25 (375)(c)(1) During the 18-month period beginning on the

1 date of the enactment of this Act, the President is authorized  
2 to waive by Executive order the application of subsection  
3 (a) and (b) with respect to any country, if he reports to  
4 the Congress that—

5 (A) he has determined that such waiver will sub-  
6 stantially promote the objectives of this section; and

7 (B) he has received assurances that the emigration  
8 practices of that country will henceforth lead substan-  
9 tially to the achievement of the objectives of this section.

10 (2) During any period subsequent to the 18-month  
11 period referred to in paragraph (1), the President is au-  
12 thorized to waive by Executive order the application of sub-  
13 sections (a) and (b) with respect to any country, if the  
14 waiver authority granted by this subsection continues to  
15 apply to such country pursuant to subsection (d); and if he  
16 reports to the Congress that—

17 (A) he has determined that such waiver will  
18 substantially promote the objectives of this section; and

19 (B) he has received assurances that the emigra-  
20 tion practices of that country will henceforth lead sub-  
21 stantially to the achievement of the objectives of this  
22 section.

23 (3) A waiver with respect to any country shall termi-  
24 nate on the day after the waiver authority granted by this  
25 subsection ceases to be effective with respect to such country

1 pursuant to subsection (d). The President may, at any time,  
2 terminate by Executive order any waiver granted under  
3 this subsection.

4 (d)(1) If the President determines that the extension  
5 of the waiver authority granted by subsection (c)(1) will  
6 substantially promote the objectives of this section, he may  
7 recommend to the Congress that such authority be extended  
8 for a period of 12 months. Any such recommendation shall—

9 (A) be made not later than 30 days before the  
10 expiration of such authority;

11 (B) be made in a document transmitted to the  
12 House of Representatives and the Senate setting forth  
13 his reasons for recommending the extension of such  
14 authority; and

15 (C) include, for each country with respect to  
16 which a waiver granted under subsection (c)(1) is in  
17 effect, a determination that continuation of the waiver  
18 applicable to that country will substantially promote  
19 the objectives of this section, and a statement setting forth  
20 his reasons for such determination.

21 (2) If the President recommends under paragraph (1)  
22 the extension of the waiver authority granted by subsection  
23 (c)(1), such authority shall continue in effect with respect  
24 to any country for a period of 12 months following the end  
25 of the 18-month period referred to in subsection (c)(1), if,  
26 before the end of such 18-month period, the House of Rep-

1 representatives and the Senate adopt, by an affirmative vote of  
 2 a majority of the Members present and voting in each House  
 3 and under the procedures set forth in section 153, a con-  
 4 current resolution approving the extension of such authority,  
 5 and such resolution does not name such country as being  
 6 excluded from such authority. Such authority shall cease to  
 7 be effective with respect to any country named in such con-  
 8 current resolution on the date of the adoption of such con-  
 9 current resolution. If before the end of such 18-month period,  
 10 a concurrent resolution approving the extension of such au-  
 11 thority is not adopted by the House and the Senate, but  
 12 both the House and Senate vote on the question of final  
 13 passage of such a concurrent resolution and—

14           (A) both the House and the Senate fail to pass such  
 15 a concurrent resolution, the authority granted by sub-  
 16 section (c)(1) shall cease to be effective with respect  
 17 to all countries at the end of such 18-month period;

18           (B) both the House and the Senate pass such a  
 19 concurrent resolution which names such country as being  
 20 excluded from such authority, such authority shall cease  
 21 to be effective with respect to such country at the end  
 22 of such 18-month period; or

23           (C) one House fails to pass such a concurrent res-  
 24 olution and the other House passes such a concurrent  
 25 resolution which names such country as being excluded



1        *from such authority, such authority shall cease to be*  
2        *effective with respect to such country at the end of such*  
3        *18-month period.*

4        (3) *If the President recommends under paragraph*  
5        (1) *the extension of the waiver authority granted by sub-*  
6        *section (c)(1), and at the end of the 18-month period*  
7        *referred to in subsection (c)(1) the House of Representa-*  
8        *tives and the Senate have not adopted a concurrent reso-*  
9        *lution approving the extension of such authority and sub-*  
10       *paragraph (A) of paragraph (2) does not apply, such*  
11       *authority shall continue in effect for a period of 60 days*  
12       *following the end of such 18-month period with respect*  
13       *to any country (except for any country with respect to*  
14       *which such authority was not extended by reason of the*  
15       *application of subparagraph (B) or (C) of paragraph*  
16       (2)), *and shall continue in effect for a period of 12 months*  
17       *following the end of such 18-month period with respect to*  
18       *any such country if, before the end of such 60-day period,*  
19       *the House of Representatives and the Senate adopt, by an*  
20       *affirmative vote of a majority of the Members present and*  
21       *voting in each House and under the procedures set forth*  
22       *in section 153, a concurrent resolution approving the exten-*  
23       *sion of such authority, and such resolution does not name*  
24       *such country as being excluded from such authority. Such*  
25       *authority shall cease to be effective with respect to any*

1 country named in such concurrent resolution on the date of  
 2 the adoption of such concurrent resolution. If before the end  
 3 of such 60-day period, a concurrent resolution approving the  
 4 extension of such authority is not adopted by the House  
 5 and Senate, but both the House and Senate vote on the  
 6 question of final passage of such a concurrent resolution  
 7 and—

8 (A) both the House and the Senate fail to pass  
 9 such a concurrent resolution, the authority granted by  
 10 subsection (c)(1) shall cease to be effective with respect  
 11 to all countries on the date of the vote on the question of  
 12 final passage by the House which votes last;

13 (B) both the House and the Senate pass such a  
 14 concurrent resolution which names such country as being  
 15 excluded from such authority, such authority shall cease  
 16 to be effective with respect to such country at the end  
 17 of such 60-day period; or

18 (C) one House fails to pass such a concurrent res-  
 19 olution and the other House passes such a concurrent res-  
 20 olution which names such country as being excluded from  
 21 such authority, such authority shall cease to be effective  
 22 with respect to such country at the end of such 60-day  
 23 period.

24 (4) If the President recommends under paragraph (1)  
 25 the extension of the waiver authority granted by subsection

1 (c) (1), and at the end of the 60-day period referred to in  
2 paragraph (3) the House of Representatives and the Senate  
3 have not adopted a concurrent resolution approving the ex-  
4 tension of such authority and subparagraph (A) of paragraph  
5 (3) does not apply, such authority shall continue in effect  
6 until the end of the 12-month period following the end of the  
7 18-month period referred to in subsection (c) (1) with respect  
8 to any country (except for any country with respect to which  
9 such authority was not extended by reason of the application  
10 of subparagraph (B) or (C) of paragraph (2) or subpara-  
11 graph (B) or (C) of paragraph (3)), unless before the end  
12 of the 45-day period following such 60-day period either the  
13 House of Representatives or the Senate adopts, by an affirma-  
14 tive vote of a majority of the Members present and voting in  
15 that House and under the procedures set forth in section 153,  
16 a resolution disapproving the extension of such authority  
17 generally or with respect to such country specifically. Such  
18 authority shall cease to be effective with respect to all countries  
19 on the date of the adoption by either House before the end of  
20 such 45-day period of a resolution disapproving the extension  
21 of such authority, and shall cease to be effective with respect  
22 to any country on the date of the adoption by either House  
23 before the end of such 45-day period of a resolution dis-  
24 approving the extension of such authority with respect to such  
25 country.

1       (5) *If the waiver authority granted by subsection (c)*  
2 *has been extended under paragraph (3) or (4) for any*  
3 *country for the 12-month period referred to in such para-*  
4 *graphs, and the President determines that the further exten-*  
5 *sion of such authority will substantially promote the objec-*  
6 *tives of this section, he may recommend further extensions of*  
7 *such authority for successive 12-month periods. Any such*  
8 *recommendation shall—*

9           (A) *be made not later than 30 days before the*  
10 *expiration of such authority;*

11          (B) *be made in a document transmitted to the*  
12 *House of Representatives and the Senate setting forth*  
13 *his reasons for recommending the extension of such*  
14 *authority; and*

15          (C) *include, for each country with respect to*  
16 *which a waiver granted under subsection (c) is in effect,*  
17 *a determination that continuation of the waiver appli-*  
18 *cable to that country will substantially promote the objec-*  
19 *tives of this section, and a statement setting forth his*  
20 *reasons for such determination.*

21 *If the President recommends the further extension of such*  
22 *authority, such authority shall continue in effect until the end*  
23 *of the 12-month period following the end of the previous*  
24 *12-month extension with respect to any country (except*  
25 *for any country with respect to which such authority has*

1 not been extended under this subsection), unless before the  
 2 end of the 60-day period following such previous 12-month  
 3 extension, either the House of Representatives or the Senate  
 4 adopts, by an affirmative vote of a majority of the Members  
 5 present and voting in that House and under the procedures  
 6 set forth in section 153, a resolution disapproving the extension  
 7 of such authority generally or with respect to such country  
 8 specifically. Such authority shall cease to be effective with  
 9 respect to all countries on the date of the adoption by either  
 10 House before the end of such 60-day period of a resolution  
 11 disapproving the extension of such authority, and shall cease  
 12 to be effective with respect to any country on the date of  
 13 the adoption by either House before the end of such 60-day  
 14 period of a resolution disapproving the extension of such  
 15 authority with respect to such country.

16 ~~(376)(e)~~ (e) This section shall not apply to any country the  
 17 products of which are eligible for ~~(377)column 1 tariff treat-~~  
 18 ~~ment~~ the rates set forth in rate column numbered 1 of the  
 19 Tariff Schedules of the United States on the date of the enact-  
 20 ment of this Act.

21 ~~(378)~~SEC. 403. UNITED STATES PERSONNEL MISSING IN  
 22 ACTION IN SOUTHEAST ASIA.

23 (a) Notwithstanding any other provision of law, if the  
 24 President determines that a nonmarket economy country  
 25 is not cooperating with the United States—

- 1           (1) to achieve a complete accounting of all United  
2       States military and civilian personnel who are missing  
3       in action in Southeast Asia,  
4           (2) to repatriate such personnel who are alive, and  
5           (3) to return the remains of such personnel who  
6       are dead to the United States,  
7       then during the period beginning with the date of such deter-  
8       mination and ending on the date on which the President  
9       determines such country is cooperating with the United  
10      States—  
11           (A) the products of such country may not receive  
12      nondiscriminatory treatment,  
13           (B) such country may not participate, directly or  
14      indirectly, in any program under which the United  
15      States extends credit, credit guarantees, or investment  
16      guarantees, and  
17           (C) no commercial agreement entered into under  
18      this title between such country and the United States  
19      will take effect.  
20      (b) After the date of the enactment of this Act, (1) a  
21      nonmarket economy country may receive nondiscriminatory  
22      treatment, (2) such country may participate in a program  
23      under which the United States extends credit, credit guaran-  
24      tees, or investment guarantees, and (3) a commercial agree-  
25      ment between the United States and such country entered into

1 under this title may take effect under the provisions of this  
 2 title, only after the President has submitted to the Congress  
 3 a report indicating that such country is cooperating with the  
 4 United States as described in subsection (a). Such report  
 5 shall include information as to the nature of the cooperation  
 6 by such country with the United States in securing an account-  
 7 ing for military and civilian personnel who are missing in  
 8 action, the repatriation of those who are alive, and the recov-  
 9 ery of the remains of those who are dead. The report re-  
 10 quired by this subsection shall be submitted initially as pro-  
 11 vided herein and, with current information, on or before each  
 12 June 30 and December 31 thereafter so long as such treat-  
 13 ment is received, such credits or guarantees are extended, or  
 14 such agreement is in effect.

15 (c) This section shall not apply to any country the prod-  
 16 ucts of which are eligible for the rates set forth in rate  
 17 column numbered 1 of the Tariff Schedules of the United  
 18 States on the date of the enactment of this Act.

19 SEC. (379)~~403~~. 404. EXTENSION OF NONDISCRIMINATORY  
 20 TREATMENT.

21 (380)(a) The President may by proclamation extend nondis-  
 22 criminatory treatment to the products of a foreign country  
 23 which—

24 (1) has entered into a bilateral commercial agree-  
 25 ment referred to in section 404, or

26 (2) has become a party to an appropriate multi-

1     ~~lateral trade agreement to which the United States is~~  
 2     ~~also a party.~~

3     ~~No such proclamation may take effect before the close of the~~  
 4     ~~applicable 90-day period referred to in section 406(e).~~

5         *(a) Subject to the provisions of section 405(c), the Pres-*  
 6     *ident may by proclamation extend nondiscriminatory treat-*  
 7     *ment to the products of a foreign country which has entered*  
 8     *into a bilateral commercial agreement referred to in section*  
 9     *405.*

10        (b) The application of nondiscriminatory treatment  
 11 shall be limited to the period of effectiveness of the obliga-  
 12 tions of the United States to such country under such bilateral  
 13 commercial agreement ~~(381)~~ ~~or multilateral agreement~~. In  
 14 addition, in the case of any foreign country receiving non-  
 15 discriminatory treatment pursuant to this title which has  
 16 entered into an agreement with the United States regarding  
 17 the settlement of lend-lease reciprocal aid and claims, the  
 18 application of such nondiscriminatory treatment shall be  
 19 limited to periods during which such country is not in arrears  
 20 on its obligations under such agreement.

21        (c) The President may at any time suspend or with-  
 22 draw any extension of nondiscriminatory treatment to any  
 23 country pursuant to subsection (a), and thereby cause all  
 24 products of such country to be dutiable at the ~~(382)~~ ~~column 2~~



1 ~~rate~~ rates set forth in rate column numbered 2 of the Tariff  
 2 Schedules of the United States.

3 SEC. (383)~~404~~. 405. AUTHORITY TO ENTER INTO COM-  
 4 MERCIAL AGREEMENTS.

5 (a) Subject to the provisions of subsections (b) and  
 6 (384)~~(d)~~ (c) of this section, the President may authorize the  
 7 entry into force of bilateral commercial agreements providing  
 8 nondiscriminatory treatment to the products of countries  
 9 heretofore denied such treatment whenever he determines  
 10 that such agreements with such countries will promote the  
 11 purposes of this Act and are in the national interest.

12 (b) Any such bilateral commercial agreement shall—

13 (1) be limited to an initial period specified in the  
 14 agreement which shall be no more than 3 years from the  
 15 date the agreement enters into force; except that it may  
 16 be renewable for additional periods, each not to exceed  
 17 3 years; if—

18 (A) a satisfactory balance of (385)~~trade con-~~  
 19 ~~cessions~~ concessions in trade and services has been  
 20 maintained during the life of (386)~~each~~ such agree-  
 21 ment, and

22 (B) the President determines that actual or  
 23 foreseeable reductions in United States tariffs and  
 24 nontariff barriers to trade resulting from multilat-

1           eral negotiations are satisfactorily reciprocated by  
2           the other party to the bilateral agreement;

3           (2) provide that it is subject to suspension or termi-  
4           nation at any time for national security reasons, or that  
5           the other provisions of such agreement shall not limit the  
6           rights of any party to take any action for the protection  
7           of its security interests;

8           ~~(387)(3)~~ provide safeguard arrangements necessary to  
9           prevent disruption of domestic markets;

10           ~~(4)~~ if the other party to the bilateral agreement is  
11           not a party to the Paris Convention for the Protection of  
12           Industrial Property, provide rights for United States na-  
13           tionals with respect to patents in such country not less  
14           than the rights specified in such convention;

15           ~~(5)~~ provide arrangements for the settlement of com-  
16           mercial differences and disputes; and

17           ~~(6)~~ provide for consultations for the purpose of re-  
18           viewing the operation of the agreement and relevant as-  
19           pects of relations between the United States and the  
20           other party.

21           ~~(c)~~ Bilateral commercial agreements referred to in  
22           subsection ~~(a)~~ may, in addition, include provisions  
23           concerning—

24           ~~(1)~~ arrangements for the protection of industrial  
25           rights and processes, trademarks, and copyrights;

1           ~~(2)~~ arrangements for the promotion of trade, in-  
 2           cluding those for the establishment or expansion of  
 3           trade and tourist promotion offices, for facilitation of  
 4           activities of governmental commercial officers, partic-  
 5           ipation in trade fairs and exhibits and the sending of  
 6           trade missions, and for facilitation of entry, establish-  
 7           ment, and travel of commercial representatives; and

8           ~~(3)~~ such other arrangements of a commercial  
 9           nature as will promote the purposes stated in section 2.

10          ~~(d)~~ An agreement referred to in subsection ~~(a)~~, and a  
 11          proclamation referred to in section 403 ~~(a)~~, shall take effect  
 12          only if, during the 90-day period referred to in section 406  
 13          ~~(c)~~, a disapproval resolution referred to in section 151 is  
 14          not adopted.

15                 (3) include safeguard arrangements (A) providing  
 16                 for prompt consultations whenever either actual or pro-  
 17                 spective imports cause or threaten to cause, or significant-  
 18                 ly contribute to, market disruption and (B) authorizing  
 19                 the imposition of such import restrictions as may be ap-  
 20                 propriate to prevent such market disruption;

21                 (4) if the other party to the bilateral agreement is  
 22                 not a party to the Paris Convention for the Protection  
 23                 of Industrial Property, provide rights for United States  
 24                 nationals with respect to patents and trademarks in such

1     *country not less than the rights specified in such con-*  
2     *vention;*

3             *(5) if the other party to the bilateral agreement is*  
4     *not a party to the Universal Copyright Convention, pro-*  
5     *vide rights for United States nationals with respect to*  
6     *copyrights in such country not less than the rights speci-*  
7     *fied in such convention;*

8             *(6) in the case of an agreement entered into or*  
9     *renewed after the date of the enactment of this Act, pro-*  
10    *vide arrangements for the protection of industrial rights*  
11    *and processes;*

12            *(7) provide arrangements for the settlement of*  
13    *commercial differences and disputes;*

14            *(8) in the case of an agreement entered into or re-*  
15    *newed after the date of the enactment of this Act, pro-*  
16    *vide arrangements for the promotion of trade, which*  
17    *may include those for the establishment or expansion of*  
18    *trade and tourist promotion offices, for facilitation of ac-*  
19    *tivities of governmental commercial officers, participation*  
20    *in trade fairs and exhibits, and the sending of trade*  
21    *missions, and for facilitation of entry, establishment,*  
22    *and travel of commercial representatives;*

23            *(9) provide for consultations for the purpose of re-*  
24    *viewing the operation of the agreement and relevant*

1     *aspects of relations between the United States and the*  
 2     *other party; and*

3             *(10) provide such other arrangements of a commer-*  
 4     *cial nature as will promote the purposes of this Act. .*

5     *(c) An agreement referred to in subsection (a), and a*  
 6     *proclamation referred to in section 404(a) implementing*  
 7     *such agreement, shall take effect only if (1) approved by*  
 8     *the Congress by the adoption of a concurrent resolution*  
 9     *referred to in section 151, or (2) in the case of an agree-*  
 10    *ment entered into before the date of the enactment of this*  
 11    *Act and a proclamation implementing such agreement, a reso-*  
 12    *lution of disapproval referred to in section 152 is not adopted*  
 13    *during the 90-day period specified by section 407(c)(2).*

14    SEC. ~~(388)~~<sup>405</sup>. 406. MARKET DISRUPTION.

15    ~~(389)(a)~~ A petition may be filed, or a Tariff Commission  
 16    ~~investigation otherwise initiated, under section 201 of this Act~~  
 17    ~~in respect of imports of an article manufactured or produced~~  
 18    ~~in a country, the products of which are receiving nondis-~~  
 19    ~~criminatory treatment pursuant to this title, in which case~~  
 20    ~~the Tariff Commission shall determine (in lieu of the deter-~~  
 21    ~~mination described in section 201 (b) of this Act) whether~~  
 22    ~~imports of such article produced in such country are causing~~  
 23    ~~or are likely to cause market disruption and material injury~~  
 24    ~~to a domestic industry producing like or directly competitive~~  
 25    ~~articles.~~

1       ~~(b)~~ For purposes of sections 202 and 203, an affirma-  
 2       tive determination of the Tariff Commission pursuant to  
 3       subsection ~~(a)~~ of this section shall be treated as an affirma-  
 4       tive determination of the Tariff Commission pursuant to sec-  
 5       tion 201~~(b)~~ of this Act; except that the President, in taking  
 6       action pursuant to section 203~~(b)~~, may adjust imports of  
 7       the article from the country in question without taking ac-  
 8       tion in respect of imports from other countries.

9       ~~(c)~~ For purposes of this section, market disruption  
 10       exists whenever imports of a like or directly competitive  
 11       article are substantial, are increasing rapidly both absolutely  
 12       and as a proportion of total domestic consumption, and are  
 13       offered at prices substantially below those of comparable  
 14       domestic articles.

15       *(a)(1) Upon the filing of a petition by an entity de-*  
 16       *scribed in section 201(a)(1), upon request of the President*  
 17       *or the Special Representative for Trade Negotiations, upon*  
 18       *resolution of either the Committee on Ways and Means of*  
 19       *the House of Representatives or the Committee on Finance*  
 20       *of the Senate, or on its own motion, the International Trade*  
 21       *Commission (hereafter in this section referred to as the "Com-*  
 22       *mission") shall promptly make an investigation to determine,*  
 23       *with respect to imports of an article which is the product of*  
 24       *a Communist country, whether market disruption exists with*  
 25       *respect to an article produced by a domestic industry.*

1       (2) The provisions of subsections (a) (2), (b) (3), and  
2       (c) of section 201 shall apply with respect to investigations  
3       by the Commission under paragraph (1):

4       (3) The Commission shall report to the President its  
5       determination with respect to each investigation under para-  
6       graph (1) and the basis therefor and shall include in each  
7       report any dissenting or separate views. If the Commission  
8       finds, as a result of its investigation, that market disruption  
9       exists with respect to an article produced by a domestic in-  
10      dustry, it shall find the amount of the increase in, or imposi-  
11      tion of, any duty or other import restriction on such article  
12      which is necessary to prevent or remedy such market disrup-  
13      tion and shall include such finding in its report to the  
14      President. The Commission shall furnish to the President  
15      a transcript of the hearings and any briefs which may have  
16      been submitted in connection with each investigation.

17      (4) The report of the Commission of its determination  
18      with respect to an investigation under paragraph (1) shall be  
19      made at the earliest practicable time, but not later than 3  
20      months after the date on which the petition is filed (or the  
21      date on which the request or resolution is received or the  
22      motion is adopted, as the case may be). Upon making such  
23      report to the President, the Commission shall also promptly  
24      make public such report (with the exception of information  
25      which the Commission determines to be confidential) and

1 shall cause a summary thereof to be published in the Federal  
2 Register.

3 (b) For purposes of sections 202 and 203, an affirma-  
4 tive determination of the Commission under subsection (a)  
5 shall be treated as an affirmative determination under sec-  
6 tion 201(b), except that—

7 (1) the President may take action under sections  
8 202 and 203 only with respect to imports from the  
9 country or countries involved of the article with respect  
10 to which the affirmative determination was made, and

11 (2) if such action consists of, or includes, an  
12 orderly marketing agreement, such agreement shall be  
13 entered into within 60 days after the import relief  
14 determination date.

15 (c) If, at any time, the President finds that there are  
16 reasonable grounds to believe, with respect to imports of an  
17 article which is the product of a Communist country, that  
18 market disruption exists with respect to an article produced  
19 by a domestic industry, he shall request the Commission to  
20 initiate an investigation under subsection (a). If the Presi-  
21 dent further finds that emergency action is necessary, he  
22 may take action under sections 202 and 203 as if an  
23 affirmative determination of the Commission had been made  
24 under subsection (a). Any action taken by the President  
25 under the preceding sentence shall cease to apply (1) if a



1 negative determination is made by the Commission under  
 2 subsection (a) with respect to imports of such article, on the  
 3 day on which the Commission's report of such determination  
 4 is submitted to the President, or (2) if an affirmative deter-  
 5 mination is made by the Commission under subsection (a)  
 6 with respect to imports of such article, on the day on which  
 7 the action taken by the President pursuant to such determi-  
 8 nation becomes effective.

9 (d)(1) A petition may be filed with the Special Repre-  
 10 sentative for Trade Negotiations by an entity described in  
 11 section 201(a)(1) requesting the Special Representative to  
 12 initiate consultations provided for by the safeguard arrange-  
 13 ments of any agreement entered into under section 405 with  
 14 respect to imports of an article which is the product of the  
 15 country which is the other party to such agreement.

16 (2) If the Special Representative determines that there  
 17 are reasonable grounds to believe, with respect to imports of  
 18 such article, that market disruption exists with respect to an  
 19 article produced by a domestic industry, he shall initiate  
 20 consultations with such country with respect to such imports.

21 (e) For purposes of this section—

22 (1) The term "Communist country" means any  
 23 country dominated or controlled by communism.

24 (2) Market disruption exists within a domestic  
 25 industry whenever an article is being, or is likely to be,

1        *imported into the United States in such increased quan-*  
2        *ties as to be a significant cause of material injury, or*  
3        *the threat thereof, to such domestic industry.*

4 SEC. ~~(390)~~406. 407. PROCEDURE FOR CONGRESSIONAL  
5 ~~(391)~~DISAPPROVAL OF EXTEN-  
6 SION OR CONTINUANCE OF NON-  
7 DISCRIMINATORY TREATMENT  
8 APPROVAL OR DISAPPROVAL OF  
9 EXTENSION OF NONDISCRIMINA-  
10 TORY TREATMENT AND PRESI-  
11 DENTIAL REPORTS.

(a) Whenever the President issues a proclamation under section (392) ~~403~~ ~~404~~ extending nondiscriminatory treatment to the products of any foreign country, he shall promptly transmit to the House of Representatives and to the Senate a document setting forth the proclamation and the agreement the proclamation proposes to implement, together with his reasons therefor.

19 (393)(b) On or before December 31 of each year, the Presi-  
20 dent shall transmit to the Congress, with respect to each  
21 foreign country the products of which are receiving nondis-  
22 criminatory treatment under this title, a document containing  
23 the report required by section 402(b) to be submitted on or  
24 before December 31.

25 (b) *The President shall transmit to the House of Rep-*

1 representatives and the Senate a document containing the initial  
 2 report submitted by him under section 402(b), 403(b), 409  
 3 (b), or 411(b) with respect to a nonmarket economy country.  
 4 On or before December 31 of each year, the President shall  
 5 transmit to the House of Representatives and the Senate, a  
 6 document containing the report required by section 402(b),  
 7 403(b), 409(b), or 411(b), as the case may be, to be sub-  
 8 mitted on or before such December 31.

9 ~~(394)(c)~~ If, before the close of the 90-day period beginning  
 10 on the day on which the copy of the document referred to  
 11 in subsection ~~(a)~~ or ~~(b)~~ is delivered to the House of Rep-  
 12 resentatives and to the Senate, either the House of Repre-  
 13 sentatives or the Senate adopts, by an affirmative vote of a  
 14 majority of those present and voting in that House, a reso-  
 15 lution of disapproval ~~(under the procedures set forth in sec-~~  
 16 ~~tion 151)~~ of the extension of nondiscriminatory treatment to  
 17 the products of such country or for the continuing in effect  
 18 of nondiscriminatory treatment with respect to such products,  
 19 as the case may be, then, beginning with the day after the  
 20 date of the adoption of such resolution of disapproval, non-  
 21 discriminatory treatment shall not be in force with respect  
 22 to the products of such country, and the products of such  
 23 country shall be dutiable at the column 2 rate.

24 (c)(1) In the case of a document referred to in sub-  
 25 section (a) (other than a document to which paragraph (2)

1 applies), the proclamation set forth therein may become effective  
2 tive and the agreement set forth therein may enter into force  
3 and effect only if the House of Representatives and the Senate  
4 adopt, by an affirmative vote of a majority of those present  
5 and voting in each House, a concurrent resolution of approval  
6 (under the procedures set forth in section 151) of the extension  
7 of nondiscriminatory treatment to the products of the  
8 country concerned.

9 (2) In the case of a document referred to in subsection  
10 (a) which sets forth an agreement entered into before the  
11 date of the enactment of this Act and a proclamation implementing  
12 such agreement, such proclamation may become effective  
13 and such agreement may enter into force and effect  
14 after the close of the 90-day period beginning on the day on  
15 which such document is delivered to the House of Representatives  
16 and to the Senate, unless during such 90-day period  
17 either the House of Representatives or the Senate adopts,  
18 by an affirmative vote of a majority of those present and  
19 voting in that House, a resolution of disapproval (under the  
20 procedures set forth in section 152) of the extension of nondiscriminatory  
21 treatment to the products of the country  
22 concerned.

23 (3) In the case of a document referred to in subsection  
24 (b) which contains a report submitted by the President under  
25 section 402(b), 403(b), 409(b), or 411(b) with respect to a

1 nonmarket economy country, if, before the close of the 90-day  
 2 period beginning on the day on which such document is de-  
 3 livered to the House of Representatives and to the Senate,  
 4 either the House of Representatives or the Senate adopts, by  
 5 an affirmative vote of a majority of those present and voting in  
 6 that House, a resolution of disapproval (under the procedures  
 7 set forth in section 152) of the report submitted by the Presi-  
 8 dent with respect to such country, then, beginning with the  
 9 day after the date of the adoption of such resolution of dis-  
 10 approval, (A) nondiscriminatory treatment shall not be in  
 11 force with respect to the products of such country, and the  
 12 products of such country shall be dutiable at the rates set  
 13 forth in rate column numbered 2 of the Tariff Schedules of  
 14 the United States, (B) such country may not participate in  
 15 any program of the Government of the United States which  
 16 extends credit or credit guarantees or investment guarantees,  
 17 and (C) no commercial agreement may thereafter be con-  
 18 cluded with such country under this title. Clause (A) shall  
 19 not apply with respect to a report submitted under section  
 20 411(b).

21 **(395) SEC. 407. EFFECTS OF OTHER LAWS.**

22 **The President shall from time to time reflect in general**  
 23 **headnote 3(e) of the Tariff Schedules of the United States**  
 24 **the provisions of this title and proclamations issued there-**  
 25 **under, as appropriate.**

1   **(396)SEC. 408. PAYMENT BY CZECHOSLOVAKIA OF**  
2                                   **AMOUNTS OWED UNITED STATES CITI-**  
3                                   **ZENS AND NATIONALS.**

4           *(a) Notwithstanding any other provision of law, Czecho-*  
5           *slovakia shall not be eligible to receive most-favored-nation*  
6           *treatment or to participate in any program of the Govern-*  
7           *ment of the United States which extends credits or credit*  
8           *guarantees or investment guarantees, directly or indirectly,*  
9           *and the Government of the United States shall not consent to*  
10          *the release to Czechoslovakia of any gold belonging to that*  
11          *nation and controlled directly or indirectly by the United*  
12          *States pursuant to the provisions of the Paris Reparations*  
13          *Agreement of January 24, 1946, or otherwise, until the Gov-*  
14          *ernment of Czechoslovakia first pays all principal amounts*  
15          *it owes to citizens or nationals of the United States on awards*  
16          *heretofore rendered against that nation by the Foreign Claims*  
17          *Settlement Commission of the United States under the provi-*  
18          *sions of Public Law 85-604 (22 U.S.C. 1642 et seq.).*

19   **(397)(b)** *If Czechoslovakia continues to fail to pay at least the*  
20          *principal amounts it owes on said awards, the United States*  
21          *District Court for the District of Columbia shall have juris-*  
22          *diction in an appropriate action to determine whether Czecho-*  
23          *slovakia owns the aftermentioned gold held or controlled by*  
24          *the United States, and upon a finding that Czechoslovakia*  
25          *does own such gold and that the United States may take*

1 actions lawfully to utilize same to obtain payment of the out-  
 2 standing awards in favor of its citizens, the court shall issue  
 3 all orders and judgments necessary to enable the United  
 4 States to proceed in that manner, to the highest available  
 5 prices, and, after deduction of litigation fees and costs  
 6 approved by the court, to transfer the balance of the liquidated  
 7 proceeds to the Czechoslovakian Claims Fund in the Treas-  
 8 ury of the United States for payment of said awards, any  
 9 amount remaining in the fund after payment of all such  
 10 awards to be paid to Czechoslovakia in accordance with in-  
 11 structions provided by the Secretary of State.

12 **(398)SEC. 409. FURNISHING OF INFORMATION ON AG-**  
 13 **RICULTURAL COMMODITIES.**

14 (a) On or after the date of the enactment of this Act,  
 15 products from any nonmarket economy country shall not be  
 16 eligible to receive nondiscriminatory treatment (most-  
 17 favored-nation treatment), such country shall not participate  
 18 in any program of the Government of the United States  
 19 which extends credits or credit guarantees or investment  
 20 guarantees, directly or indirectly, and the President of the  
 21 United States shall not conclude any commercial agreement  
 22 with any such country, during the period beginning with the  
 23 date on which the President determines that such country—

24 (1) has failed to enter into an agreement with the  
 25 United States providing for a mutual exchange on a

1. regular basis of information, including forward esti-  
2 mates, on production, consumption, demand, and trade  
3 of major agricultural commodities; or

4 (2) is not fulfilling an agreement described in  
5 paragraph (1),

6 and ending on the date on which the President determines  
7 that such country is no longer in violation of paragraph  
8 (1) or (2).

9 (b) After the date of the enactment of this Act, (A)  
10 products of a nonmarket economy country may be eligible  
11 to receive nondiscriminatory treatment (most-favored-nation  
12 treatment), (B) such country may participate in any pro-  
13 gram of the Government of the United States which extends  
14 credits or credit guarantees or investment guarantees, and  
15 (C) the President may conclude a commercial agreement  
16 with such country, only after the President has submitted  
17 to the Congress a report indicating that such country is  
18 not in violation of paragraph (1) or (2) of subsection  
19 (a). Such report with respect to such country shall include  
20 information as to the nature and scope of the agreement  
21 described in paragraph (1) of subsection (a) with such  
22 country, and the implementation of such agreement by such  
23 country and the United States. The report required by this  
24 subsection shall be submitted initially as provided herein  
25 and, with current information, on or before each June 30



1 and December 31 thereafter so long as such treatment is  
2 received, such credits or guarantees are extended, or such  
3 commercial agreement is in effect.

4 (c) This section shall not apply to any country the  
5 products of which are eligible for the rates set forth in rate  
6 column numbered 1 of the Tariff Schedules of the United  
7 States on the date of the enactment of this Act.

8 **(399)SEC. 410. WAIVER OF SECTION 409.**

9 During any period that a waiver is in effect with respect  
10 to any nonmarket economy country under section 402(c),  
11 that waiver shall also apply with respect to that country for  
12 the purpose of waiving the provisions of subsections (a) and  
13 (b) of section 409.

14 **(400)SEC. 411. FREEDOM TO EMIGRATE TO JOIN A VERY**  
15 **CLOSE RELATIVE IN THE UNITED**  
16 **STATES.**

17 (a) To assure the continued dedication of the United  
18 States to the fundamental human rights and welfare of its  
19 own citizens, and notwithstanding any other provision of  
20 law, on or after the date of the enactment of this Act, no  
21 nonmarket economy country shall participate in any pro-  
22 gram of the Government of the United States which extends  
23 credits or credit guarantees or investment guarantees, directly  
24 or indirectly, and the President of the United States shall not  
25 conclude any commercial agreement with any such country,

1 during the period beginning with the date on which the  
2 President determines that such country—

3 (1) denies its citizens the right or opportunity to  
4 join permanently through emigration, a very close rela-  
5 tive in the United States, such as a spouse, parent, child,  
6 brother, or sister;

7 (2) imposes more than a nominal tax on the visas  
8 or other documents required for emigration described in  
9 paragraph (1); or

10 (3) imposes more than a nominal tax, levy, fine,  
11 fee, or other charge on any citizen as a consequence of  
12 the desire of such citizen to emigrate as described in  
13 paragraph (1),

14 and ending on the date on which the President determines  
15 that such country is no longer in violation of paragraph (1),  
16 (2), or (3).

17 (b) After the date of the enactment of this Act, (A)  
18 a nonmarket economy country may participate in any pro-  
19 gram of the Government of the United States which extends  
20 credits or credit guarantees or investment guarantees, and  
21 (B) the President may conclude a commercial agreement  
22 with such country, only after the President has submitted to  
23 the Congress a report indicating that such country is not  
24 in violation of paragraph (1), (2), or (3) of subsection  
25 (a). Such report with respect to such country shall include

1 *information as to the nature and implementation of its laws*  
2 *and policies and restrictions or discrimination applied to or*  
3 *against persons wishing to emigrate to the United States*  
4 *to join close relatives. The report required by this subsection*  
5 *shall be submitted initially as provided herein and, with*  
6 *current information, on or before each June 30 and Decem-*  
7 *ber 31 thereafter, so long as such credits or guarantees are*  
8 *extended or such agreement is in effect.*

9 **(401) SEC. 412. EAST-WEST TRADE STATISTICS MONITOR-**  
10 **ING SYSTEM.**

11 *The International Trade Commission shall establish*  
12 *and maintain a program to monitor imports of articles into*  
13 *the United States from nonmarket economy countries and*  
14 *exports of articles from the United States to nonmarket*  
15 *economy countries. To the extent feasible, the Commission*  
16 *shall coordinate such program with any relevant data gather-*  
17 *ing programs presently conducted by the Secretary of Com-*  
18 *merce. The Secretary of Commerce shall provide the Com-*  
19 *mission with any information which, in the determination*  
20 *of the Commission, is necessary to carry out this section.*  
21 *The Commission shall publish a detailed summary of the*  
22 *data collected under the East-West Trade Statistics Monitor-*  
23 *ing System not less frequently than once each calendar quar-*  
24 *ter and shall transmit such publication to the East-West*  
25 *Foreign Trade Board and to Congress. Such publication shall*

1 *include data on the effect of such imports, if any, on the*  
2 *production of like, or directly competitive, articles in the*  
3 *United States and on employment within the industry which*  
4 *produces like, or directly competitive, articles in the United*  
5 *States.*

6 **(402)SEC. 413. EAST-WEST FOREIGN TRADE BOARD.**

7 *(a)(1) There is established within the executive branch*  
8 *of the Government of the United States a board to be known*  
9 *as the East-West Foreign Trade Board (hereinafter referred*  
10 *to as the "Board").*

11 *(2) The Board shall be composed of the Special Rep-*  
12 *resentative for Trade Negotiations, who shall serve as*  
13 *Chairman, the Secretary of State, the Secretary of Defense,*  
14 *the Secretary of the Treasury, the Secretary of Commerce,*  
15 *the Secretary of Agriculture, the Secretary of Interior, the*  
16 *Chairman of the Board of Governors of the Federal Reserve*  
17 *System, the President of the Export-Import Bank of the*  
18 *United States, the Chairman of the Federal Power Com-*  
19 *mission, the Administrator of the Energy Research Develop-*  
20 *ment Administration, and the Director of the National*  
21 *Science Foundation.*

22 *(3) Six members of the Board shall constitute a*  
23 *quorum.*

24 *(4) The Board shall have an official seal which shall*  
25 *be judicially noticed.*

1       (5) *The Chairman of the Board shall appoint and*  
2 *fix the compensation of such personnel as are necessary to*  
3 *fulfill the duties of the Board in accordance with the pro-*  
4 *visions of title 5, United States Code.*

5       (6) *The Board may obtain the services of experts and*  
6 *consultants in accordance with section 3109 of title 5, United*  
7 *States Code.*

8       (7) *In carrying out its responsibilities under this sec-*  
9 *tion, the Board shall, to the fullest extent practicable, avail*  
10 *itself of the assistance, including personnel and facilities, of*  
11 *any agency of the United States. Each agency of the United*  
12 *States shall make available to the Board such personnel,*  
13 *facilities, and other assistance, with or without reimburse-*  
14 *ment, as the Board may request.*

15       (b) *The Board shall coordinate the policies and opera-*  
16 *tions of all agencies of the United States which regulate or*  
17 *participate in trade with nonmarket economy countries or*  
18 *instrumentalities of such countries, including those agencies*  
19 *which provide credits or investment guarantees to such*  
20 *countries or instrumentalities. The Board shall also oversee*  
21 *the activities of persons within the United States who par-*  
22 *ticipate in trade with nonmarket economy countries or in-*  
23 *strumentalities of such countries to encourage the expansion*  
24 *of such trade and to insure that such trade will promote*  
25 *the national interest of the United States.*

1       (c)(1) Any agency of the United States which is  
2 involved in negotiations to provide credits or investment  
3 guarantees in an amount in excess of \$5,000,000 to any  
4 nonmarket economy country or to any instrumentality of  
5 such a country, and any person who is involved in negotia-  
6 tions with respect to the export from the United States to  
7 such country or instrumentality of technology vital to the  
8 national security of the United States, shall file a report with  
9 the Board with respect to the provision of such credits or  
10 guarantees or the export of such technology, in the form and  
11 containing the information which the Board requires, not less  
12 than 90 days before such provision or such export.

13       (2) The Board shall provide an opportunity for inter-  
14 ested parties to be heard, under the provisions of chapter 5  
15 of title 5, United States Code, with respect to each report  
16 filed under the provisions of paragraph (1) and shall make  
17 a determination with respect to each report as to whether  
18 the proposed provision of credits and investment guarantees  
19 or export of technology will promote the national interests  
20 of the United States.

21       (3) No person may provide credits or investment  
22 insurance to any nonmarket economy country or to any in-  
23 strumentality of such a country and no person may export  
24 technology to such a country or instrumentality if the Board  
25 determines under paragraph (2) that such provision or such

1 export will not promote the national interest of the United  
2 States.

3 (4) Each determination by the Board under paragraph  
4 (2) shall be published in the Federal Register and shall be  
5 reported to the Congress. Such report shall include a state-  
6 ment of the impact of the provision of such credits or invest-  
7 ment guarantees or the export of such technology on the  
8 national security of the United States, on the production in  
9 the United States of relevant articles, on employment in  
10 the United States in relevant industries, and on consumers  
11 in the United States.

12 (d)(1) If the Board determines under subsection (c)  
13 that the provision of credits or investment guarantees or the  
14 export of technology will promote the national interest of  
15 the United States, and if the dollar amount of such credits or  
16 guarantees exceeds \$50,000,000, then no person may pro-  
17 vide such credits or guarantees or export such technology if  
18 the Congress disapproves of such determination by the adop-  
19 tion of an export disapproval resolution (described in section  
20 151(b)).

21 (2) For purposes of paragraph (1) and subsection  
22 (c)(1), if the total amount of credits and investment guar-  
23 antees which an agency of the United States provides to all  
24 nonmarket economy countries and the instrumentalities of  
25 such countries exceeds \$50,000,000, or \$5,000,000, as

1 *applicable, during a calendar year, then all subsequent pro-*  
2 *visions of credits or investment guarantees, in any amount,*  
3 *during such year shall be subject to congressional disapproval*  
4 *under this subsection or shall be reported to the Board, as*  
5 *applicable.*

6 *(e) The East-West Foreign Trade Board shall submit*  
7 *to the Congress an annual report on trade between the United*  
8 *States and nonmarket economy countries. Such report shall*  
9 *include a review of the status of negotiations for bilateral*  
10 *trade agreements between the United States and such coun-*  
11 *tries under title IV of this Act, the activities of joint trade*  
12 *commissions created pursuant to such agreements, the resolu-*  
13 *tion of commercial disputes between the United States and*  
14 *such countries, any exports from such countries which have*  
15 *caused disruption of United States markets, and recommen-*  
16 *dations from the promotion of East-West trade in the national*  
17 *interests of the United States.*

## 18 **TITLE V—GENERALIZED SYSTEM OF** 19 **PREFERENCES.**

### 20 **SEC. 501. AUTHORITY TO EXTEND PREFERENCES.**

21 The President may provide duty-free treatment for any  
22 eligible article from any beneficiary developing country in  
23 accordance with the provisions of this title. In taking any  
24 such action, the President shall have due regard for—



1           (1) the effect such action will have on furthering  
2       the economic development of developing countries;

3           (2) the extent to which other major developed  
4       countries are undertaking a comparable effort to assist  
5       developing countries by granting generalized preferences  
6       with respect to imports of products of such countries; and

7           (3) the anticipated impact of such action on United  
8       States producers of like or directly competitive products.

9       **SEC. 502. BENEFICIARY DEVELOPING COUNTRY.**

10       (a) (1) For purposes of this title, the term "beneficiary  
11       developing country" means any country with respect to  
12       ~~(403) which, as of the date of entry or withdrawal from ware-~~  
13       ~~house for consumption, which~~ there is in effect an Executive  
14       order by the President of the United States designating such  
15       country as a beneficiary developing country for purposes of this  
16       title. Before the President designates any country as a bene-  
17       ficiary developing country for purposes of this title, he shall  
18       notify the House of Representatives and the Senate of his in-  
19       tention to make such designation, together with the con-  
20       siderations entering into such decision.

21       (2) If the President has designated any country as a  
22       beneficiary developing country for purposes of this title, he  
23       shall not terminate such designation (either by issuing an  
24       Executive order for that purpose or by issuing an Executive  
25       order which has the effect of terminating such designation)

1 unless, at least ~~(404)~~<sup>30</sup> 60 days before such termination, he  
 2 has notified the House of Representatives and the Senate ~~(405)~~  
 3 *and has notified such country* of his intention to terminate such  
 4 designation, together with the considerations entering into  
 5 such decision.

6 ~~(406)~~<sup>(3)</sup> For purposes of this title, the term "country" means  
 7 ~~any foreign country, any overseas dependent territory or~~  
 8 ~~possession of a foreign country, any insular possession of the~~  
 9 ~~United States, or the Trust Territory of the Pacific Islands.~~  
 10 ~~In the case of any association of countries for trade purposes~~  
 11 ~~no member of which is barred from designation under sub-~~  
 12 ~~section (b), the President may by Executive order provide~~  
 13 ~~that all members of such association shall be treated as one~~  
 14 ~~country for purposes of this title.~~

15 (3) For purposes of this title, the term "country" means  
 16 *any foreign country, any overseas dependent territory or*  
 17 *possession of a foreign country, or the Trust Territory of*  
 18 *the Pacific Islands. In the case of an association of countries*  
 19 *which is a free trade area or customs union, the President*  
 20 *may by Executive order provide that all members of such*  
 21 *association other than members which are barred from*  
 22 *designation under subsection (b) shall be treated as one*  
 23 *country for purposes of this title.*

24 (b) No designation shall be made under this section  
 25 with respect to any of the following:

1	Australia	Japan
2	Austria	Monaco
3	Canada	New Zealand
4	Czechoslovakia	Norway
5	European Economic Com-	Poland
6	munity member states	Republic of South Africa
7	Finland	Sweden
8	Germany (East)	Switzerland
9	Hungary	Union of Soviet Socialist
10	Iceland	Republics

11 In addition, the President shall not designate any country a  
 12 beneficiary developing country under this section—

13 ~~(407)(1) if the products of such country do not receive~~  
 14 ~~nondiscriminatory treatment by reason of general head-~~  
 15 ~~note 3(c) to the Tariff Schedules of the United States;~~  
 16 ~~or~~

17 ~~(2) if such country affords preferential treatment~~  
 18 ~~to the products of a developed country other than the~~  
 19 ~~United States, unless the President has received assur-~~  
 20 ~~ances satisfactory to him that such preferential treatment~~  
 21 ~~will be eliminated before January 1, 1976.~~

22 *(1) if such country is a Communist country, unless*  
 23 *(A) the products of such country receive nondiscrimina-*  
 24 *tory treatment, (B) such country is a contracting party*  
 25 *to the General Agreement on Tariffs and Trade and a*

1        *member of the International Monetary Fund, and (C)*  
2        *such country is not dominated or controlled by interna-*  
3        *tional communism;*

4            *(2) if such country is a member of the Organiza-*  
5        *tion of Petroleum Exporting Countries;*

6            *(3) if such country is a party to any arrangement*  
7        *with other foreign countries, the effect of which is to*  
8        *withhold supplies of vital commodity resources from*  
9        *international trade or to raise the price of such com-*  
10       *modities to an unreasonable level which causes serious*  
11       *disruption of the world economy;*

12           *(4) if such country affords preferential treatment*  
13        *to the products of a developed country, other than the*  
14        *United States, which has, or is likely to have, a signifi-*  
15        *cant adverse effect on United States commerce, unless*  
16        *the President has received assurances satisfactory to him*  
17        *that such preferential treatment will be eliminated before*  
18        *January 1, 1976, or that action will be taken before*  
19        *January 1, 1976, to assure that there will be no such*  
20        *significant adverse effect, and he reports those assur-*  
21        *ances to the Congress;*

22           *(5) if such country—*

23            *(A) has nationalized, expropriated, or other-*  
24        *wise seized ownership or control of property owned*  
25        *by a United States citizen or by a corporation, part-*

nership, or association which is 50 percent or more  
beneficially owned by United States citizens,

(B) has taken steps to repudiate or nullify an  
existing contract or agreement with a United States  
citizen or a corporation, partnership, or association  
which is 50 percent or more beneficially owned by  
United States citizens, the effect of which is to na-  
tionalize, expropriate, or otherwise seize ownership  
or control of property so owned, or

(C) has imposed or enforced taxes or other  
exactions, restrictive maintenance or operational  
conditions, or other measures with respect to prop-  
erty so owned, the effect of which is to nationalize,  
expropriate, or otherwise seize ownership or control  
of such property,

unless—

(D) the President determines that—

(i) prompt, adequate, and effective com-  
pensation has been or is being made to such  
citizen, corporation, partnership, or associa-  
tion,

(ii) good faith negotiations to provide  
prompt, adequate, and effective compensation  
under the applicable provisions of international  
law are in progress, or such country is other-

1           *wise taking steps to discharge its obligations*  
2           *under international law with respect to such*  
3           *citizen, corporation, partnership, or association,*  
4           *or*

5                   *(iii) a dispute involving such citizen, cor-*  
6                   *poration, partnership, or association over com-*  
7                   *pensation for such a seizure has been submitted*  
8                   *to arbitration under the provisions of the Con-*  
9                   *vention for the Settlement of Investment Dis-*  
10                  *putes, or in another mutually agreed upon*  
11                  *forum, and*

12           *promptly furnishes a copy of such determination to the*  
13           *Senate and House of Representatives;*

14                  *(6) if such country does not take adequate steps to*  
15                  *prevent narcotic drugs and other controlled substances*  
16                  *(as listed in the schedules in section 202 of the Compre-*  
17                  *hensive Drug Abuse Prevention and Control Act of 1970*  
18                  *(21 U.S.C. 812)) produced, processed, or transported*  
19                  *in such country from entering the United States unlaw-*  
20                  *fully; and*

21                  *(7) if such country fails to act in good faith in rec-*  
22                  *ognizing as binding or in enforcing arbitral awards in*  
23                  *favor of United States citizens or a corporation, partner-*  
24                  *ship or association which is 50 percent or more benefi-*  
25                  *cially owned by United States citizens, which have been*

1     *made by arbitrators appointed for each case or by per-*  
 2     *manent arbitral bodies to which the parties involved*  
 3     *have submitted their dispute.*

4     (c) In determining whether to designate any country  
 5 a beneficiary developing country under this section, the  
 6 President shall take into account—

7         (1) an expression by such country of its desire  
 8         to be so designated;

9         (2) the level of economic development of such  
 10         country, including its per capita gross national product,  
 11         the living standards of its inhabitants, and any other  
 12         economic factors which he deems appropriate;

13         (3) whether or not the other major developed  
 14         countries are extending generalized preferential tariff  
 15         treatment to such country; and

16     ~~(408)(4) whether or not such country has nationalized,~~  
 17     ~~expropriated, or seized ownership or control of prop-~~  
 18     ~~erty owned by a United States citizen, or by any cor-~~  
 19     ~~poration, partnership, or association not less than 50~~  
 20     ~~percent beneficially owned by citizens of the United~~  
 21     ~~States, without provision for the payment of prompt,~~  
 22     ~~adequate, and effective compensation.~~

23         (4) *the extent to which such country has assured the*  
 24     *United States it will provide equitable and reasonable*  
 25     *access to the markets and basic commodity resources of*  
 26     *such country.*

1   **(409)**(d) *General headnote 3(a) to the Tariff Schedules of*  
 2   *the United States (19 U.S.C. 1202) (relating to products*  
 3   *of insular possessions) is amended by adding at the end*  
 4   *thereof the following new paragraph:*

5           *“(iii) Subject to the limitations imposed under sec-*  
 6       *tions 503(b) and 504(c) of the Trade Reform Act of*  
 7       *1974, articles designated eligible articles under section*  
 8       *503 of such Act which are imported from an insular*  
 9       *possession of the United States shall receive duty treat-*  
 10      *ment no less favorable than the treatment afforded such*  
 11      *articles imported from a beneficiary developing country*  
 12      *under title V of such Act.”*

13   **(410)**(e) *The President may exempt from the application of*  
 14   *paragraphs (2) and (3) of subsection (b) any country dur-*  
 15   *ing the period during which such country (A) is a party to*  
 16   *a bilateral or multilateral trade agreement to which the*  
 17   *United States is also a party if such agreement fulfills the*  
 18   *negotiating objectives set forth in section 108 of assuring the*  
 19   *United States fair and equitable access at reasonable prices*  
 20   *to supplies of articles of commerce important to the economic*  
 21   *requirements of the United States and (B) is not in violation*  
 22   *of such agreement by action denying the United States such*  
 23   *fair and equitable access.*



## 1 SEC. 503. ELIGIBLE ARTICLES.

2 ~~(411)~~(a) The President shall, from time to time, publish  
3 and furnish the Tariff Commission with lists of articles which  
4 may be considered for designation as eligible articles for  
5 purposes of this title. Before any such list is furnished to the  
6 Tariff Commission, there shall be in effect an Executive order  
7 under section 502 designating beneficiary developing coun-  
8 tries. Before any action is taken under section 501 to provide  
9 duty-free treatment for any article, the provisions of sections  
10 131, 132, 133, and 134 of this Act shall be complied with as  
11 though action under section 501 were action under section  
12 101 of this Act to carry out a trade agreement entered into  
13 under section 101.

14 (b) The duty-free treatment provided under section 501  
15 with respect to any eligible article shall apply only—

16 (1) to an article which is imported directly from  
17 a beneficiary developing country into the customs terri-  
18 tory of the United States; and

19 (2) if the sum of (A) the cost or value of the  
20 materials produced in the beneficiary developing country  
21 plus (B) the direct costs of processing operations per-  
22 formed in the beneficiary developing country equal or  
23 exceed the prescribed percentage of the appraised value  
24 of the article at the time of its entry into the customs ter-  
25 ritory of the United States.

1       ~~(c)(1)~~ For purposes of subsection ~~(b)(2)~~, the pre-  
2 scribed percentage shall be that percentage, not less than 35  
3 percent and not more than 50 percent of the appraised value,  
4 prescribed by the Secretary of the Treasury by regulations.  
5 Such percentage, which may be modified from time to time,  
6 shall apply uniformly to all articles from all beneficiary de-  
7 veloping countries.

8       ~~(2)~~ The Secretary of the Treasury shall prescribe such  
9 regulations as may be necessary to carry out this subsection  
10 and subsection ~~(b)~~.

11       ~~(d)~~ No article shall be an eligible article for purposes  
12 of this title for any period during which such article is the  
13 subject of any action proclaimed pursuant to section 203 of  
14 this Act or section 351 of the Trade Expansion Act of 1962.

15       *(a) The President shall, from time to time, publish*  
16 *and furnish the International Trade Commission with lists*  
17 *of articles which may be considered for designation as eligi-*  
18 *ble articles for purposes of this title. Before any such list*  
19 *is furnished to the Commission, there shall be in effect an*  
20 *Executive order under section 502 designating beneficiary*  
21 *developing countries. The provisions of sections 131, 132,*  
22 *133, and 134 of this Act shall be complied with as though*  
23 *action under section 501 were action under section 101 of*  
24 *this Act to carry out a trade agreement entered into under*  
25 *section 101. After receiving the advice of the Commission*

1 *with respect to the listed articles, the President shall design-*  
2 *ate those articles he considers appropriate to be eligible*  
3 *articles for purposes of this title by Executive order.*

4 *(b) The duty-free treatment provided under section 501*  
5 *with respect to any eligible article shall apply only—*

6 *(1) to an article which is imported directly from*  
7 *a beneficiary developing country into the customs ter-*  
8 *ritory of the United States; and*

9 *(2)(A) if the sum of (i) the cost or value of the*  
10 *materials produced in the beneficiary developing country*  
11 *plus (ii) the direct costs of processing operations per-*  
12 *formed in such beneficiary developing country is not less*  
13 *than 35 percent of the appraised value of such article at*  
14 *the time of its entry into the customs territory of the*  
15 *United States; or*

16 *(B) if the sum of (i) the cost or value of the*  
17 *materials produced in 2 or more countries which are*  
18 *members of the same association of countries which is*  
19 *treated as one country under section 502(a)(3), plus*  
20 *(ii) the direct costs of processing operations performed in*  
21 *such countries is not less than 50 percent of the appraised*  
22 *value of such article at the time of its entry into the*  
23 *customs territory of the United States.*

24 *For purposes of paragraph (2)(A), the term "country"*  
25 *does not include an association of countries which is treated*

1 *as one country under section 502(a)(3) but does include*  
 2 *a country which is a member of any such association. The*  
 3 *Secretary of the Treasury shall prescribe such regulations*  
 4 *as may be necessary to carry out this subsection.*

5 *(c)(1) The President may not designate any article*  
 6 *as an eligible article under subsection (a) if such article is*  
 7 *within one of the following categories of import-sensitive*  
 8 *articles—*

9 *(A) textile and apparel articles which are subject*  
 10 *to textile agreements,*

11 *(B) watches,*

12 *(C) import-sensitive electronic articles,*

13 *(D) import-sensitive steel articles,*

14 *(E) footwear articles specified in items 700.05*  
 15 *through 700.27, 700.29 through 700.53, 700.55.23*  
 16 *through 700.55.75, and 700.60 through 700.80 of the*  
 17 *Tariff Schedules of the United States,*

18 *(F) semimanufactured and manufactured glass*  
 19 *products, and*

20 *(G) any other articles which the President deter-*  
 21 *mines to be import-sensitive in the context of the Gen-*  
 22 *eralized System of Preferences.*

23 *(2) No article shall be an eligible article for purposes*  
 24 *of this title for any period during which such article is the*

1 *subject of any action proclaimed pursuant to section 203*  
 2 *of this Act or section 232 or 351 of the Trade Expansion Act*  
 3 *of 1962.*

4 **SEC. 504. LIMITATIONS ON PREFERENTIAL TREATMENT.**

5 (a) The President may withdraw, suspend, or limit the  
 6 application of the duty-free treatment accorded under section  
 7 501 with respect to any article or with respect to any coun-  
 8 try; except that no rate of duty may be established in re-  
 9 spect of any article pursuant to this section other than the  
 10 rate which would apply but for this title. In taking any ac-  
 11 tion under this subsection, the President shall consider the  
 12 factors set forth in sections 501 and 502 (c) .

13 ~~(412)(b)~~ The President shall ~~withdraw or suspend the desig-~~  
 14 ~~nation of any country as a beneficiary developing country if,~~  
 15 ~~after such designation—~~

16 ~~(1) the products of such country are excluded from~~  
 17 ~~the benefit of nondiscriminatory treatment by reason of~~  
 18 ~~general headnote 3(c) to the Tariff Schedules of the~~  
 19 ~~United States; or~~

20 ~~(2) he determines that such country has not elim-~~  
 21 ~~inated or will not eliminate preferential treatment ac-~~  
 22 ~~corded by it to the products of a developed country other~~  
 23 ~~than the United States before January 1, 1976.~~

24 ~~(c) Whenever the President determines that any coun-~~  
 25 ~~try—~~

1           ~~(1)~~ has exported ~~(directly or indirectly)~~ to the  
2       United States a quantity of such article having an ap-  
3       praised value of more than \$25,000,000 during any cal-  
4       endar year, or

5           ~~(2)~~ has exported ~~(either directly or indirectly)~~ to  
6       the United States a quantity of any article equal to or  
7       exceeding 50 percent of the value of the total imports  
8       of such article into the United States during any calendar  
9       year,

10   then, not later than 60 days after the close of such calendar  
11   year, such country shall not be treated as a beneficiary de-  
12   veloping country with respect to such article unless, on or  
13   before such 60th day, the President determines and publishes  
14   that it is in the national interest to designate, or to continue  
15   the designation of, such country as a beneficiary developing  
16   country with respect to such article.

17       *(b) The President shall, after complying with the re-*  
18       *quirements of section 502(a)(2), withdraw or suspend the*  
19       *designation of any country as a beneficiary developing coun-*  
20       *try if, after such designation, he determines that as the result*  
21       *of changed circumstances such country would be barred from*  
22       *designation as a beneficiary developing country under section*  
23       *502(b). Such country shall cease to be a beneficiary devel-*  
24       *oping country on the day on which the President issues an*  
25       *Executive order revoking his designation of such country*  
26       *under section 502.*

1       (c)(1) Whenever the President determines that any  
2 country—

3           (A) has exported (directly or indirectly) to the  
4 United States during a calendar year a quantity of an  
5 eligible article having an appraised value in excess of  
6 an amount which bears the same ratio to \$25,000,000 as  
7 the gross national product of the United States for the  
8 preceding calendar year, as determined by the Depart-  
9 ment of Commerce, bears to the gross national product  
10 of the United States for calendar year 1974, or

11          (B) except as provided in subsection (d), has  
12 exported (either directly or indirectly) to the United  
13 States a quantity of any eligible article equal to or ex-  
14 ceeding 50 percent of the appraised value of the total  
15 imports of such article into the United States during any  
16 calendar year,

17 then, not later than 60 days after the close of such calendar  
18 year, such country shall not be treated as a beneficiary de-  
19 veloping country with respect to such article, except that, if  
20 before such 60th day, the President determines and publishes  
21 in the Federal Register that, with respect to such country—

22           (i) there has been an historical preferential trade  
23 relationship between the United States and such country,

24           (ii) there is a treaty or trade agreement in force  
25 covering economic relations between such country and  
26 the United States, and

1           (iii) such country does not discriminate against,  
 2           or impose unjustifiable or unreasonable barriers to,  
 3           United States commerce,  
 4           then he may designate, or continue the designation of, such  
 5           country as a beneficiary developing country with respect to  
 6           such article.

7           (2) A country which is no longer treated as a beneficiary  
 8           developing country with respect to an eligible article by reason  
 9           of this subsection may be redesignated, subject to the provi-  
 10          sions of section 502, a beneficiary developing country with  
 11          respect to such article if imports of such article from such  
 12          country did not exceed the limitations in paragraph (1) of  
 13          this subsection during the preceding calendar year.

14          (d) Subsection (c)(1)(B) does not apply with respect to  
 15          any eligible article if a like or directly competitive article is  
 16          not produced in the United States.

17   ~~(413)(d)~~ (e) No action pursuant to section 501 may affect  
 18   any tariff duty imposed by the Legislature of Puerto Rico  
 19   pursuant to section 319 of the Tariff Act of 1930 (19 U.S.C.  
 20   sec. 1319) on coffee imported into Puerto Rico.

21   **SEC. 505. TIME LIMIT ON TITLE; COMPREHENSIVE RE-**  
 22           **VIEW.**

23          (a) No duty-free treatment under this title shall remain  
 24          in effect after the date which is 10 years after the date of  
 25          the enactment of this Act.



1       (b) On or before the date which is 5 years after the  
 2 date of the enactment of this Act, the President shall submit  
 3 to the Congress a full and complete report of the operation  
 4 of this title.

## 5       **TITLE VI—GENERAL PROVISIONS**

### 6       **SEC. 601. DEFINITIONS.**

7       For purposes of this Act—

8           (1) The term “duty” includes the rate and form  
 9 of any import duty, including but not limited to tariff-  
 10 rate quotas.

11          (2) The term “other import restriction” includes a  
 12 limitation, prohibition, charge, and exaction other than  
 13 duty, imposed on importation or imposed for the regu-  
 14 lation of importation. The term does not include any  
 15 orderly marketing agreement.

16          (3) The term “ad valorem” includes ad valorem  
 17 equivalent. Whenever any limitation on the amount by  
 18 which or to which any rate of duty may be decreased  
 19 or increased pursuant to a trade agreement is expressed  
 20 in terms of an ad valorem percentage, the ad valorem  
 21 amount taken into account for purposes of such limita-  
 22 tion shall be determined by the President on the basis  
 23 of the value of imports of the articles concerned during  
 24 the most recent (414)period, before the date on which  
 25 the trade agreement is entered into, determined by him  
 26 to be representative *representative period*.

1           (4) The term "ad valorem equivalent" means the  
2       ad valorem equivalent of a specific rate or, in the case  
3       of a combination of rates including a specific rate, the  
4       sum of the ad valorem equivalent of the specific rate  
5       and of the ad valorem rate. The ad valorem equivalent  
6       shall be determined by the President on the basis of the  
7       value of imports of the article concerned during the most  
8       recent ~~(415) period determined by him to be representa-~~  
9       *tive representative period*. In determining the value of  
10      imports, the President shall utilize, to the maximum ex-  
11      tent practicable, the standards of valuation contained in  
12      section 402 or 402a of the Tariff Act of 1930 (19 U.S.C.  
13      sec. 1401a or 1402) applicable to the article concerned  
14      during such representative period.

15           (5) An imported article is "directly competitive  
16      with" a domestic article at an earlier or later stage of  
17      processing, and a domestic article is "directly competi-  
18      tive with" an imported article at an earlier or later stage  
19      of processing, if the importation of the article has an  
20      economic effect on producers of the domestic article  
21      comparable to the effect of importation of articles in the  
22      same stage of processing as the domestic article. For  
23      purposes of this paragraph, the unprocessed article is at  
24      an earlier stage of processing.

(6) The term "modification", as applied to any duty or other import restriction, includes the elimination of any duty or other import restriction.

~~(416)(7)~~ The term "existing" without the specification of any date, when used with respect to any matter relating to entering into or carrying out a trade agreement or other action authorized by this Act, means existing on the day on which such trade agreement is entered into or such other action is taken, and, when referring to a rate of duty, refers to the nonpreferential rate of duty ~~(however established, and even though temporarily suspended by Act of Congress or otherwise)~~ existing in column 1 of the Tariff Schedules of the United States on such day.

(7) The term "existing" means (A) when used, without the specification of any date, with respect to any matter relating to entering into or carrying out a trade agreement or other action authorized by this Act, existing on the day on which such trade agreement is entered into or such other action is taken; and (B) when used with respect to a rate of duty, the nonpreferential rate of duty (however established, and even though temporarily suspended by Act of Congress or otherwise) set forth in rate column numbered 1 of schedules 1 through 7 of the Tariff Schedules of the United States on the date specified or

1       *(if no date is specified) on the day referred to in clause*  
 2       *(A).*

3           (8) A product of a country or area is an article  
 4       which is the growth, produce, or manufacture of such  
 5       country or area.

6           (9) The term "nondiscriminatory treatment"  
 7       means most-favored-nation treatment.

8       ~~(417)~~(10) *The term "commerce" includes services asso-*  
 9       *ciated with international trade.*

10   **SEC. 602. RELATION TO OTHER LAWS.**

11       (a) The second and third sentences of section 2 (a) of  
 12       the Act entitled "An Act to amend the Tariff Act of 1930,"  
 13       approved June 12, 1934, as amended (19 U.S.C. sec. 1352  
 14       (a) ), are each amended by striking out "this Act or the  
 15       Trade Expansion Act of 1962" and inserting in lieu thereof  
 16       "this Act or the Trade Expansion Act of 1962 or the ~~(418)~~  
 17       ~~Trade Reform Act of 1973~~ *Trade Act of 1974*".

18       (b) Section 242 of the Trade Expansion Act of 1962  
 19       is amended as follows:

20           (1) by striking out "351 and 352" in subsection  
 21       (a) and inserting in lieu thereof "201, 202, and 203 of  
 22       the ~~(419)~~~~Trade Reform Act of 1973~~ *Trade Act of*  
 23       *1974*";

24           (2) by striking out "with respect to tariff adjust-  
 25       ment" in subsection (b) (2);

1           (3) by striking out "301 (e)" in subsection (b)  
 2           (2) and inserting in lieu thereof "201 (d) of the (420)  
 3           ~~Trade Reform Act of 1973~~ *Trade Act of 1974*";

4           (4) by striking out "concerning foreign import re-  
 5           strictions" in subsection (b) (3).; and

6           (5) by striking out "section 252 (d)" each place it  
 7           appears and inserting in lieu thereof "subsections (e)  
 8           and (d) of section 301 of the (421)~~Trade Reform Act of~~  
 9           ~~1973~~ *Trade Act of 1974*".

10          (c) Section 351 (c) (1) (B) of the Trade Expansion  
 11          Act of 1962 is amended by striking out "unless extended  
 12          under paragraph (2)," (422) *and inserting in lieu thereof the*  
 13          *following: "unless extended under section 203 of the Trade*  
 14          *Act of 1974,".*

15          (d) Sections 202, 211, 212, 213, 221, 222, 223, 224,  
 16          225, 226, 231, 241, 243, 252, 253, 254, 255 (a), 256, so  
 17          much of 301 and 302 as is not repealed by subsection (423)  
 18          ~~(d)~~(e), 311 through 315, 317 (a), 351 (c) (2) and (d)  
 19          (3), 361, 401, 402, 403, 404, and 405 (1), (3), (4) and  
 20          (5) of the Trade Expansion Act of 1962 are repealed.

21          (e) Sections 301 (a) (2) and (3), (c) (2) and (3),  
 22          (d) (2), (f) (1) and (3), 302 (b) (2), (d) and (e), 321  
 23          through 338 of the Trade Expansion Act of 1962 are re-  
 24          pealed on the 90th day following the date of the enactment  
 25          of this Act.

(f) All provisions of law (other than this Act, the Trade Expansion Act of 1962, and the Trade Agreements Extension Act of 1951) in effect after the date of enactment of this Act, referring to section 350 of the Tariff Act of 1930, to that section as amended, to the Act entitled "An Act to amend the Tariff Act of 1930," approved June 12, 1934, to that Act as amended or to the Trade Expansion Act of 1962, or to agreements entered into, or proclamations issued, or actions taken under any of such provisions, shall be construed, unless clearly precluded by the context, to refer also to this Act, or to agreements entered into or proclamations or orders issued, pursuant to this Act.

**SEC. 603. (424) ~~TARIFF~~ INTERNATIONAL TRADE COMMISSION.**

(a) In order to expedite the performance of its functions under this Act, the (425) ~~Tariff~~ *International Trade* Commission may conduct preliminary investigations, determine the scope and manner of its proceedings, and consolidate proceedings before it.

(b) In performing its functions under this Act, the ~~Tariff~~ Commission may exercise any authority granted to it under any other Act.

(426) ~~Tariff~~ Commission may exercise any authority granted to it under any other Act.

(c) The (427) ~~Tariff~~ Commission shall at all times keep informed concerning the operation and effect of provisions re-

1 States contained in trade agreements entered into under the  
2 trade agreements program.

3 **SEC. 604. CONSEQUENTIAL CHANGES IN THE TARIFF**  
4 **SCHEDULES.**

5 The President shall from time to time, as appropriate,  
6 embody in the Tariff Schedules of the United States the sub-  
7 stance of the relevant provisions of this Act, and of other  
8 Acts affecting import treatment, and actions thereunder,  
9 including modification, continuance, or imposition of any rate  
10 of duty or other import restriction.

11 **SEC. 605. SEPARABILITY.**

12 If any provision of this Act or the application of any  
13 provision to any circumstances or persons shall be held  
14 invalid, the validity of the remainder of this Act, and of  
15 the application of such provision to other circumstances or  
16 persons, shall not be affected thereby.

17 **SEC. 606. INTERNATIONAL DRUG CONTROL.**

18 ~~(428)~~It is the sense of the Congress that effective internation-  
19 al cooperation is necessary to put an end to the illicit produc-  
20 tion, smuggling, trafficking in, and abuse of dangerous drugs.  
21 In order to promote such cooperation, the President shall  
22 embargo trade and investment, public and private, with any  
23 nation when the President determines that the government  
24 of such country has failed to take adequate steps to prevent  
25 narcotic drugs and other controlled substances (as defined

1 by the Comprehensive Drug Abuse Prevention and Control  
2 Act of 1970 (21 U.S.C. sec. 801 et seq.) produced or pro-  
3 cessed, in whole or in part, in such country, or transported  
4 through such country, from entering the United States  
5 unlawfully. Such suspension shall continue until the Presi-  
6 dent determines that the government of such country has  
7 taken adequate steps to carry out the purposes of this  
8 section.

9       *The President shall submit a report to Congress at least*  
10 *once each calendar year listing those foreign countries in*  
11 *which narcotic drugs and other controlled substances (as*  
12 *listed under section 202 of the Comprehensive Drug Abuse*  
13 *Prevention and Control Act of 1970 (21 U.S.C. 812)) are*  
14 *produced, processed, or transported for unlawful entry into*  
15 *the United States. Such report shall include a description of*  
16 *the measures such countries are taking to prevent such pro-*  
17 *duction, processing, or transport.*

18 **(429)SEC. 607. VOLUNTARY LIMITATIONS ON EXPORTS**  
19 **OF STEEL TO THE UNITED STATES.**

20       *No person shall be liable for damages, penalties, or other*  
21 *sanctions under the Federal Trade Commission Act (15*  
22 *U.S.C. 41-77) or the Antitrust Acts (as defined in section 4*  
23 *of the Federal Trade Commission Act (15 U.S.C. 44)), or*  
24 *under any similar State law, on account of his negotiating,*  
25 *entering into, participating in, or implementing an arrange-*



1 *ment providing for the voluntary limitation on exports of steel*  
 2 *and steel products to the United States, or any modification*  
 3 *or renewal of such an arrangement, if such arrangement or*  
 4 *such modification or renewal—*

5 *(1) was undertaken prior to the date of the enact-*  
 6 *ment of this Act at the request of the Secretary of State*  
 7 *or his delegate, and*

8 *(2) ceases to be effective not later than January 1,*  
 9 *1975.*

10 **(430)SEC. 608. UNIFORM STATISTICAL DATA ON IM-**  
 11 **PORTS, EXPORTS, AND PRODUCTION.**

12 *(a) Section 484(e) of the Tariff Act of 1930 (19*  
 13 *U.S.C. 1484(e)) is amended to read as follows:*

14 *“(e) STATISTICAL ENUMERATION.—The Secretary of*  
 15 *the Treasury, the Secretary of Commerce, and the United*  
 16 *States International Trade Commission are authorized and*  
 17 *directed to establish from time to time for statistical purposes*  
 18 *an enumeration of articles in such detail as in their judgment*  
 19 *may be necessary, comprehending all merchandise imported*  
 20 *into the United States and exported from the United States,*  
 21 *and shall seek, in conjunction with statistical programs for*  
 22 *domestic production, to establish the comparability thereof*  
 23 *with such enumeration of articles. All import entries and*  
 24 *export declarations shall include or have attached thereto an*  
 25 *accurate statement specifying, in terms of such detailed*

1 *enumeration, the kinds and quantities of all merchandise*  
 2 *imported and exported and the value of the total quantity*  
 3 *of each kind of article."*

4       *(b) The amendment made by subsection (a) insofar as it*  
 5 *relates to export declarations shall take effect on January 1,*  
 6 *1976.*

7 **(431)SEC. 609. SUBMISSION OF STATISTICAL DATA ON**  
 8 **IMPORTS AND EXPORTS:**

9       *(a) Section 301 of title 13, United States Code, is*  
 10 *amended--*

11           *(1) by inserting "(a)" before "The Secretary";*  
 12       *and*

13           *(2) by adding at the end thereof the following new*  
 14 *subsections:*

15       *"(b) The Secretary shall submit to the Committee on*  
 16 *Ways and Means of the House of Representatives and the*  
 17 *Committee on Finance of the Senate, on current monthly*  
 18 *and cumulative bases, statistics on United States imports*  
 19 *for consumption and United States exports by country and*  
 20 *by product. Statistics on United States imports shall be sub-*  
 21 *mitted in accordance with the Tariff Schedules of the United*  
 22 *States Annotated and general statistical headnote 1 thereof,*  
 23 *in detail as follows:*

24           *"(1) net quantity;*

25           *"(2) United States customs value;*

1           “(3) purchase price or its equivalent;

2           “(4) equivalent of arm's length value;

3           “(5) aggregate cost from port of exportation to  
4       United States port of entry;

5           “(6) a United States port of entry value comprised  
6       of (5) plus (4), if applicable, or, if not applicable, (5)  
7       plus (3); and

8           “(7) for transactions where (3) and (4) are equal,  
9       the total value of such transactions.

10       The data for paragraphs (1), (2), (3), (5), and (6) shall  
11       be reported separately for nonrelated and related party  
12       transactions, and shall also be reported as a total of all  
13       transactions.

14       “(c) In submitting any information under subsection  
15       (b) with respect to exports, the Secretary shall state sepa-  
16       rately from the total value of all exports—

17           “(1) (A) the value of agricultural commodities ex-  
18       ported under the Agricultural Trade Development and  
19       Assistance Act of 1954, as amended; and

20           “(B) the total amount of all export subsidies paid  
21       to exporters by the United States under such Act for the  
22       exportation of such commodities; and

23           “(2) the value of goods exported under the Foreign  
24       Assistance Act of 1961.

25       “(d) To assist the Secretary to carry out the provisions  
26       of subsections (b) and (c)—

1           “(1) the Secretary of Agriculture shall furnish  
2       information to the Secretary concerning the value of  
3       agricultural commodities exported under provisions of  
4       the Agricultural Trade Development and Assistance Act  
5       of 1954, as amended, and the total amounts of all export  
6       subsidies paid to exporters by the United States under  
7       such Act for the exportation of such commodities; and

8           “(2) the Secretary of State shall furnish informa-  
9       tion to the Secretary concerning the value of goods  
10      exported under the provisions of the Foreign Assistance  
11      Act of 1961, as amended.”

12      (b) The amendments made by subsection (a) shall take  
13      effect on January 1, 1975.

14      **(432)SEC. 610. GIFTS SENT FROM INSULAR POSSESSIONS.**

15      (a) Section 321(a)(2)(A) of the Tariff Act of 1930  
16      (19 U.S.C. 1321(a)(2)(A)) is amended by inserting after  
17      “United States” the following: “(\$20, in the case of articles  
18      sent as bona fide gifts from persons in the Virgin Islands,  
19      Guam, and American Samoa)”.

20      (b) The amendment made by subsection (a) shall apply  
21      with respect to articles entered, or withdrawn from ware-  
22      house, for consumption after the date of the enactment of  
23      this Act.

1 **(433)SEC. 611. REVIEW OF PROTESTS IN IMPORT SUR-**  
 2 **CHARGE CASES.**

3 *Notwithstanding the provisions of section 515(a) of the*  
 4 *Tariff Act of 1930 (19 U.S.C. 1515(a)), in the case of any*  
 5 *protest under section 514 of such Act involving the imposition*  
 6 *of an import surcharge in the form of a supplemental duty*  
 7 *pursuant to Presidential Proclamation 4074, dated Au-*  
 8 *gust 17, 1971, the time for review and allowing or denying*  
 9 *the protest shall not expire until five years from the date*  
 10 *the protest was filed in accordance with such section 514.*

11 **(434)SEC. 612. TRADE RELATIONS WITH CANADA.**

12 *It is the sense of the Congress that the United States*  
 13 *should enter into a trade agreement with Canada which will*  
 14 *guarantee continued stability to the economies of the United*  
 15 *States and Canada. In order to promote such economic*  
 16 *stability, the President may initiate negotiations for a trade*  
 17 *agreement with Canada to establish a free trade area cover-*  
 18 *ing the United States and Canada. Nothing in this section*  
 19 *shall be construed as prior approval of any legislation which*  
 20 *may be necessary to implement such a trade agreement.*

21 **(435)SEC. 613. LIMITATION ON CREDIT TO RUSSIA.**

22 *After the date of enactment of the Trade Reform Act*  
 23 *of 1974, no agency of the Government of the United States*  
 24 *shall approve any loans, guarantees, insurance, or any com-*  
 25 *bination thereof, in connection with exports to the Union of*

- 1 *Soviet Socialist Republics in an aggregate amount in excess*  
2 *of \$300,000,000 without prior congressional approval.*

Amend the title so as to read: "An Act to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate fair and free competition between the United States and foreign nations, to foster the economic growth of, and full employment in, the United States, and for other purposes."

**Passed the House of Representatives December 11, 1973.**

Attest: W. PAT JENNINGS,  
Clerk.

Passed the Senate with amendments December 13,  
1974.

Attest: FRANCIS R. VALEO,  
*Secretary.*

93d CONGRESS  
2d Session

# H. R. 10710

## AN ACT

To promote the development of an open, non-discriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 1974

Ordered to be printed with the amendments of the  
Senate numbered